

*Mayor*John Masiarczyk

Vice Mayor
Chris Nabicht
District 6

Commissioners:

Mitch Honaker *District 1* 

Anita Bradford *District 2* 

Heidi Herzberg

District 3

Christopher Alcantara *District 4* 

Brian Soukup *District 5* 

City Manager Jane K. Shang

# City of Deltona

## **PUBLIC NOTICE**

CITY OF DELTONA 2345 Providence Blvd. Deltona, FL 32725

City Manager Agenda Review Meeting 2<sup>nd</sup> Floor Conference Room Monday, February 6, 2017 5:30 P.M.

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



2345 Providence Blvd. Deltona, FL 32725

#### **Regular Commission Meeting**

#### **City Commission**

Mayor John C. Masiarczyk Sr. Vice Mayor Chris Nabicht Commissioner Christopher Alcantara Commissioner Anita Bradford Commissioner Heidi Herzberg Commissioner Gary Mitch Honaker Commissioner Brian Soukup

Monday, February 6, 2017

6:30 PM

**Deltona Commission Chambers** 

- 1. CALL TO ORDER:
- 2. ROLL CALL CITY CLERK:
- 3. INVOCATION AND PLEDGE TO THE FLAG:
- A. <u>Invocation Presented by Vice Mayor Nabicht</u>

**Background:** At the Regular City Commission Meeting on Monday, October 17,

2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District

starting with District #1, #2, #3, #4, #5, #6 and the Mayor

#### 4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Regular Commission Meeting of January 17, 2016, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Background: N/A

Attachments: January 17, 2017 Minutes

#### 5. PRESENTATIONS/AWARDS/REPORTS:

A. <u>Presentation: Annual Christmas Parade Awards - Scott McGrath, Planning and Development Services, (386) 878-8624.</u>

Strategic Goal: Internal and External Communication. Solicit partnerships with businesses, schools, hospitals, and residents for information dissemination.

Background:

The City of Deltona held its 6th Annual Christmas Parade on

December 17, 2016. The entries selected, were judged by local

stakeholders. The results of the judging are as follows:

#### Youth or Children's Group

First Place Cub Scout Pack 351

Second Place Deltona Fire Explorers 2460
Third Place Timbercrest Elementary School

#### Band, Vocal, or Performance Group

First Place Deltona High School Health Services Academy

Second Place Deltona High School Blue Brigade Band

Third Place Galaxy Middle School Band

#### Commercial or Business Entry

First Place RBI Elite Training

Second Place Bath Fitter

Third Place Newman Veterinary Center

#### Church or Non-Profit Group

First Place All Saints Episcopal
Second Place Galaxy Middle School
Third Place Cub Scout Pack 130

#### City or Local Government Group

First Place City of Deltona Public Works

Second Place Deltona Water

#### **Best Overall**

Cub Scout Pack 351

**B.** Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502.

#### Background:

Quarterly Reports of City Advisory Boards/Committees:

- 1) Planning and Zoning Board (Written Report Only)
- 2) Firefighters' Pension Plan Board of Trustees (Presented by Plan Administrator Lisa Spriggs)
- 3) Deltona Economic Development Advisory Board (Presented by Vice-Chair Eric Alexander)
- 4) Team Volusia (Presented by Team Volusia Economic Development Corporation)

Attachments: PZ 2016 Fourth Quarter Report

FFPP 2016 Fourth Quarter Report

**DEDAB 2016 Fourth Quarter** 

TVEDC 2016 Fourth Quarter Report

C. Super Star Student of the Month Certificates for January 2017

#### **Background:**

Super Star Student of the Month awards for January 2017 will be presented to:

- 1. Deltona Lakes Elementary, Jayla Johnson, 3rd Grade
- 2. Discovery Elementary, Elizabeth Saul, 3rd Grade
- 3. Enterprise Elementary, Nicholas Negron, 4th Grade
- 4. Forest Lake Elementary, Molly Headrick, 1st Grade
- 5. Friendship Elementary, Sarah Reynolds, 5th Grade
- 6. Pride Elementary, Christian Beaulieu, 2nd Grade
- 7. Spirit Elementary, David Burgos, 5th Grade
- 8. Sunrise Elementary, Aliyah Suepat, 4th Grade
- 9. Timbercrest Elementary, Ciera Cervantes, 3rd Grade
- 10. Deltona Middle, Hayden Wright, 6th Grade
- 11. Galaxy Middle, Christopher Cerroni, 7th Grade
- 12. Heritage Middle, Kady Martinez, 6th Grade
- 13. Deltona High, Sarah Franklin, 12th Grade
- 14. Pine Ridge High, Fredderick Boother, 10th Grade
- 15. University High, Derek Garcia, 11th Grade

Attachments: Jan 2017 Super Star Student Achievements

#### 6. CITY COMMISSION SPECIAL REPORTS:

7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

Citizen comments for any items. (4 minute maximum length per speaker)

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

- 8. CONSENT AGENDA:
- 9. ORDINANCES AND PUBLIC HEARINGS:
- A. Request for Approval of Resolution No. 2017-02, Approval of Prior Year (FY

2015/2016) Budget Carry Forward of Municipal Complex Fund funds in order to provide funding to complete multi-year "The Center at Deltona" Municipal Complex project - Robert Clinger, Finance Department (386) 878-8552.

#### Strategic goal: Fiscal Issues

#### Background:

The City currently has "The Center at Deltona" a Municipal Complex project that is on-going and spans more than one fiscal year. This project is subject to design, bidding, and selection schedules as well as mobilization and implementation schedules that can result in multi-year expenditures. Last year, the Finance Department worked with Public Works to establish a protocol which allows for more accurate budgeting of multi-year projects so that projects can more efficiently carry forward from one budget year to the next.

The City's Municipal Complex Fund had a revised capital budget of \$8,980,000 for FY 2015/2016 and is requesting to carry forward \$2,285,700 of unspent funds. The funds will be allocated to two (2)

on-going multi-year Municipal Complex projects.

#### Attachments:

2017-14-BA-The Center Carryforward

R-2017-02 - BA - Municipal Complex Fund The Center

#### 10. OLD BUSINESS:

A. Request for approval of the novation letter assigning Hawksley Consulting Inc. agreement to Stantec Consulting Services Inc, Matt Doan, P.E., Public Works Director, (386) 878-8973.

#### Strategic Goal: Fiscal Issues

#### Background:

The City of Deltona has utilized Burton & Associates, Inc. on a variety of rate, impact fee, and other financial services across multiple departments. Burton & Associates, Inc. was acquired by Hawksley Consulting Inc. and the most recent rate study agreement presented at the December 12, 2016 Regular Commission Meeting reflected the current name. The back-up information provided by the Public Works Director at the meeting included discussion regarding a letter received the Friday prior indicating another name change to Stantec Consulting Services Inc. Hawksley Consulting Inc. was owned by MWH Global Inc. which was bought previously by Stantec Consulting Services Inc. and the letter indicated the subsidiary names would be dissolved effective January 1, 2017 including MWH Global Inc., Hawksley Consulting Inc., and Burton & Associates and all assets and liabilities, including existing contracts, will be assigned to Stantec Consulting Services Inc. All Burton & Associates, Inc. staff that work on City of Deltona projects remain and office locations will

be maintained under the new name.

Per Section 5.3 of the agreement between the City of Deltona and Hawksley Consulting Inc. for Water, Wastewater and Reclaimed Water Rate Study and Financial Management Services; the agreement may be assigned or transferred with prior written authorization from the City. The vendor submitted a novation letter in an effort to comply with the agreement and requests the City of Deltona exercise the option. The Public Works Department requests that the City Commission accept the assignment and transfer of the agreement from Hawksley Consulting Inc. to Stantec Consulting Services Inc. and provide the written authorization noted in Article 5, Section 5.3 via execution of the novation letter. This action will facilitate timely completion of the Water and Wastewater Revenue Sufficiency Analysis (rate study) submitted as Task Order No. 1 under the agreement and as approved by the Commission on December 12, 2016. Also, the Commission directed staff to begin the RFQ process to explore new consulting services and to not assign any further work to Stantec Consulting Services Inc. The RFQ process should be completed by late summer 2017. This directive has the potential to delay necessary rate studies because the City will not have a consultant under contract, unless the Commission approves to have Stantec Consulting Services Inc. available for future work.

#### <u>Attachments:</u> <u>Hawksley Cor</u>

Hawksley Contract Assignment Letter - Hawksley

SCSI Hawksely AR Cards v1

Hawksley Consulting Inc Agreement

Regular Commission Meeting 12-12-16

**B.** Thornby HERE- Proposed improvements to Thornby Park and its nature trail. Jerry Mayes, Economic Development Office, (386)878-8916.

Strategic Goal: Economic Development. Provide a strategic focused effort towards economic development throughout the City to enhance existing businesses and attract new businesses.

#### Background:

The City Commission requested additional information regarding grants and the process of obtaining grants for the proposed Thornby HERE project. City staff sought approval from the West Volusia Audubon Society to act as the grant agent for the City. The Memo Of Understanding (MOU) is a City developed product crafted by the Vose Law firm. The West Volusia Audubon Society has approved the MOU and the document now needs Commission approval.

The Commission also requested cost estimates for the Thornby

HERE project. The consultant, Tetra Tech, has estimated trail improvements, as detailed in the attached document (\$229,000) and the City's Parks & Recreation Department has estimated the costs for the outdoor classroom (\$21,000).

Attachments: Cost For Outdoor Classroom Construction

Thornby Park - Tt Proposal - Jan 2017.pdf
W Vol Audubon Society MOU 2016-17.pdf

#### 11. NEW BUSINESS:

#### A. Approval to allow County to cohabitate at Station 64

#### Background:

Volusia County is renovating their fire station in Osteen. During the renovation they have requested to move one of their crews to Station 64 on Fort Smith Boulevard. If approved, this cohabitation would start in March for a duration of approximately four to six months. During this time the county would move one of their engines and a crew of two into our facility. Our legal department is preparing a hold harmless agreement for the county to sign to indemnify the city from liability while they occupy our station. They would look to move to Station 64 sometime in March and would be there for approximately four to six months.

The benefits to this would be relationship building between our two agencies and the crews that would be involved. Both crews would be able to see how things are done in each of the others agencies. We would also have a second engine crew that would be able to respond in our area when they are in quarters. This would be helpful when our crew is on another call, in training or on large incidents. The crews would also be able to train together and share operating procedures which would help when operating on emergency incidents in the future.

The challenges to this would be that we would have to move some equipment and furniture around to accommodate the second crew. The county would have to move some of their computer equipment into the station. There would most likely be a slight increase in the utility bills for the station. Lastly, there is limited parking at the station so crews would have to jockey cars around in the morning at crew change.

Overall this move will help build a stronger relationship between our two agencies. The county would bear any major costs associated with this endeavor.

<u>Attachments:</u> Hold Harmless Agreement

B. Affirmation by the City Commission of two (2) re-elected representatives from the firefighters' pension members by the firefighters' pension members which is done by ballot - Joyce Raftery, City Clerk Department (386) 878-8502.

#### Strategic Goal: Internal and External Communication

#### **Background:**

Per Chapter 46 of the City of Deltona Code of Ordinances, specifically Section 46-28 - Board of Trustees (below), a request for member nominations was distributed requesting self nomination for the two (2) member appointed seats and the only two (2) received were from the current members Kurt Vroman and John Fleemin.

Per Chapter 46 of the City of Deltona Code of Ordinances, specifically Section 46-28 - Board of Trustees:

(a) The sole and exclusive administration of and responsibility for the proper operation of the plan and for making effective the provisions of this article are hereby vested in a board of trustees. The board is hereby designated as the plan administrator. In the city, there is hereby created a board of trustees of the fund, which shall be solely responsible for administering the fund. The board shall consist of five members, two of whom, unless otherwise prohibited by law, shall be legal residents of the city who shall be appointed by the governing body of the city, and two of whom shall be full-time firefighters as defined in F.S. 175.032+, who shall be elected by the majority of the active firefighters\* who are participants in the plan.

#### **Attachments:**

Member List - FFPP Board revised 01-19-2017

C. <u>Discussion: Termination of City Residential Construction Mitigation Program</u>
(RCMP) - Ron A. Paradise, Assistant Director, Planning and Development
Services, (386) 878-8610.

Strategic Goal: Fiscal Issues, other grants as approved by the City Commission.

#### **Background:**

The City of Deltona has a Local Housing Assistance Plan (LHAP) that outlines how the City will spend affordable housing funds that it receives. The LHAP limits resources to spend on very low and low income applicants that need assistance for basic repairs for their homes that they otherwise could not afford. In April 2015, the City was afforded an opportunity to offer home repair to moderate income applicants not in the LHAP. The Residential Construction Mitigation Program (RCMP) grant through the State of Florida program was approved by the City Commission in April 2015 and went under contract in December 2015 through Resolution No. 2015-09.

From its inception, the RCMP has not been an efficient program within the City from the benefit cost analysis (BCA) low indices below the program threshold, the review of proposed improvements from the State, the bids from City contractors, and the applicable expenditures for repair. The RCMP is designed to harden structures for wind mitigation. While the CDBG, SHIP, and NSP programs have applied housing assistance throughout the City successfully, the RCMP has not been as applicable to operate.

In communication with the State Florida Division of Emergency Management (DEM), the result of the process to make the program work for Deltona is that separation from the program is mutually agreeable (see attached e-mail). This is also verified through the low BCA scores. The City has thus noticed the eight (8) applicants associated with the RCMP. Of eligible moderate income applicants from the RCMP, they will be transferred to the SHIP Disaster Mitigation/Recovery Assistance if their repairs meet that program which allows for moderate income expenditures. attached spreadsheet documents the status of the RCMP applicants and efforts to assist eligible applicants through the SHIP Disaster Mitigation/Recovery Assistance strategy. Staff will return to the Commission in the future if a satisfactory resolution cannot be reached.

Attachments:

**RCMP Spreadsheet** 

**Email RE RCMP** 

- 12. CITY ATTORNEY COMMENTS:
- 13. CITY MANAGER COMMENTS:
- 14. CITY COMMISSION COMMENTS:

#### 15. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

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#### **Agenda Memo**

AGENDA ITEM: A.

**TO**: Mayor and Commission **AGENDA DATE**: 2/6/2017

**FROM:** Jane K. Shang, City Manager **AGENDA ITEM:** 3 - A

SUBJECT:

Invocation Presented by Vice Mayor Nabicht

LOCATION:

N/A

#### **BACKGROUND:**

At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor

COST:

N/A

**SOURCE OF FUNDS:** 

N/A

**ORIGINATING DEPARTMENT:** 

City Manager's Office

STAFF RECOMMENDATION PRESENTED BY:

N/A - Invocation Only

**POTENTIAL MOTION:** 

N/A - Invocation Only



#### **Agenda Memo**

AGENDA ITEM: A.

**TO:** Mayor and Commission **AGENDA DATE:** 2/6/2017

**FROM:** Jane K. Shang, City Manager **AGENDA ITEM:** 4 - A

SUBJECT:

Approval of minutes - Regular Commission Meeting of January 17, 2016, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

LOCATION:

N/A

**BACKGROUND:** 

N/A

COST:

N/A

SOURCE OF FUNDS:

N/A

**ORIGINATING DEPARTMENT:** 

City Clerk's Office

#### STAFF RECOMMENDATION PRESENTED BY:

City Clerk Joyce Raftery - That the Commission approve the minutes of the Regular Commission Meeting of January 17, 2016, as presented.

#### **POTENTIAL MOTION:**

"I move to approve the minutes of the Regular Commission Meeting of January 17, 2016, as presented."



2345 Providence Blvd. Deltona, FL 32725

#### **Minutes**

#### **City Commission**

Tuesday, January 17, 2017

6:30 PM

**Deltona Commission Chambers** 

#### 1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Masiarczyk.

#### 2. ROLL CALL - CITY CLERK:

Present: 9 - Commissioner Alcantara

Commissioner Bradford

Commissioner Herzberg

Commissioner Honaker

Commissioner Soukup

Vice Mayor Nabicht

Mayor Masiarczyk

City Manager Shang

City Attorney Vose

#### 3. INVOCATION AND PLEDGE TO THE FLAG:

#### A. Invocation Presented by Commissioner Soukup

Commissioner Soukup introduced Andrew Brown a teacher at Starke Elementary School, DeLand, who gave the invocation.

The National Anthem was sung by Irulan Small a 7th Grader at Deltona Middle School.

#### 4. APPROVAL OF MINUTES & AGENDA:

## A. <u>Approval of minutes - Regular Commission Meeting of January 3, 2016, as presented. - Joyce Raftery, City Clerk (386) 878-8502.</u>

Motion by Commissioner Herzberg, seconded by Commissioner Honaker, to approve the minutes of the Regular Commission Meeting of January 3, 2016, as presented. The motion carried by the following vote:

> For: 7 - Commissioner Alcantara, Commissioner Bradford, Commissioner Herzberg, Commissioner Honaker, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

#### 5. PRESENTATIONS/AWARDS/REPORTS:

#### A. Recognition of Sheriff Michael J. Chitwood

Mayor Masiarczyk and the Commission presented a jacket with the official City of Deltona seal on it to the newly elected Sheriff Michael J. Chitwood and Sheriff Chitwood gave a brief description of some of the things he will be bringing to the City.

#### B. <u>Presentation - Quarterly Reports of City Advisory Boards/Committees -</u> Joyce Raftery, City Clerk (386) 878-8502.

Vice Chair Sonjia Kihlmire, Ordinance Review Committee, gave a brief report on what the board worked on during the 4th Quarter of 2016 and she requested a list of ordinances that the Commission would like to see the board work on in the upcoming year.

Vice Mayor Nabicht suggested that the fireworks ordinance go simultaneously to the Ordinance Review Board while it is being discussed by the Volusia County Sheriff's Office (VCSO) and staff and the Commission concurred.

Mayor Masiarczyk reminded everyone that if they had any nominations for the Wall of Fame to make sure to get them turned into the William S. Harvey Deltona Scholarship Advisory Board as those nominations are vetted through that board.

#### C. <u>Presentation: City of Deltona Sports Facility Needs Assessment - Chris</u> Bowley, AICP, Planning and Development Services, (386) 878-8602.

#### Strategic Goal: Infrastructure. Determine a sports facility niche for the City.

Planning and Development Services Director Chris Bowley introduced Rod Cashe with Tetra Tech and Joseph Furr with Joseph Furr Design Studio. The two gentlemen gave a brief presentation on the Sports Tourism/Recreation Analysis to include Part One Analysis which included intent and focus and Deltona recreation and Part Two Recommendations which included sports tourism and Deltona recreation.

#### 6. CITY COMMISSION SPECIAL REPORTS:

Commissioner Herzberg stated Daytona State College Center for Woman and Men will be having the Women's History Month Luncheon on Thursday, March 30th at Noon in Daytona at Daytona State College. She stated this is a fundraising event for the organization that has three locations which she provided and she gave a brief description of what the organization does for the community.

Commissioner Herzberg stated the board of The River of Lakes Heritage Corridor Scenic Highway had a meeting at the little red school house and she explained the location of the corridor. The board discussed putting in an interactive panel similar to what is at Gemini Springs and doing a bike ride/race to raise funds and awareness.

Commissioner Herzberg stated the Volusia League of Cities Executive Board met on January 10th. The organization is looking at the legislative action agenda, to adopt the same agenda as the Florida League of Cities and specifically pull out areas that apply to Volusia County. The organization will be conducting an ethics training and on April 18th, the organization will conduct an Emotional Intelligence and Parliamentary Procedures Training. She stated Executive Director Marilyn Crotty will send out all the information and that these are free to the elected officials and staff who want to attend.

Commissioner Herzberg stated she attended, in the Mayor's absence, the Round Table of Volusia County Elected Officials held on January 9th. There was a presentation on transportation and roads which broke down where the funding comes from to fund the road system in Volusia County. She stated gas tax revenues are going down, that there is a huge disparity and that capital projects put in by the County for Deltona included good Federal and County matches. Future bond projects for Deltona are in the amount of \$28 million plus grants in the amount of \$33 million and she went through some of the projects. That Deltona is a beneficiary of the funds, the impact fees and the gas tax and that several roads in Deltona are maintained by the County and rely on them to fund them.

Mayor Masiarczyk stated the group tried for six months to get interest to have a sub-committee meeting to address this topic and there was discussion about the one cent sales tax, but now they are talking about a half cent tax which brings in about \$43 million and it is the division of those funds that is the big thing and selling it to the residents. He thanked staff for getting together a list and that Deltona was the only city that submitted a complete list which was one of the first requirements, but he could not get anyone to the meeting. He stated the group has already been approached by consultants.

Commissioner Herzberg gave an explanation of how Palm Beach County did their one percent sales tax and she is trying to get the distribution formula, the city did an interactive website and App which she is hoping to also have available for Deltona.

## 7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

Richard Bellach, 1665 South Acadian Dr., Deltona, spoke about the amount and type of crime in Deltona, that he reads the newspaper every day, a recovery poll that Deltona came in at 285 out of 285 cities, comparison of crimes in Deltona and all other cities, and his neighbor's house being broken into.

Nick Margies, 2949 East Slater Drive, Deltona, spoke about a cat issue he is having, Trap Neuter and Release (TNR) not being a good program, cats going in his garage from a colony in the vacant lot next to him, and moving the cat colony from the vacant lot to somewhere else.

Jim Pescha, 1120 North Old Mill Drive, Deltona, spoke about the Deltona Community Gardens, he gave a brief update on its progress, a meeting that was held to discuss the garden and when the next meeting will take place.

Patricia Gibson, 230 Courtland Blvd., Deltona, spoke about trying to file a fraud complaint with the City, falsifying documents, going up against a contractor and the process that took place, roof inspections being done from the ground, doing certified public record requests, the Risk Manager not having a license, what is required for a roof inspection, the Affidavits she received, and Deltona not listing what products are used on a roof.

Mike Williams, 2889 Cottageville Street, apologized to Mayor Masiarczyk who was supposed to be called up at the Martin Luther King breakfast with the Superintendent and to make up for it he gave the Mayor several options. He spoke about everyone's participation in the breakfast, he thanked the Commissioners who attended, the breakfast being at full capacity, utilizing the new Community Center for the next breakfast, who the Commissioners nominated for the Gus Dowel's Humanitarian Award and he thanked the Commission.

Mateo Sierra, 250 Hickory Avenue, Deltona, spoke about having the highest rates of incarceration, the bias in the judicial system, a Harvard study of inequalities, unconstitutional practices, the plight facing the nation, he has devised a curriculum on how to avoid problems with the police and what to do if civil liberties are breached and he asked the Commission to allocate a venue for the event and allocate resources to the project.

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

#### 8. CONSENT AGENDA:

None.

#### 9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 28-2016, Amending Chapter 94, Impact Fees, of the Land Development Code, and the City's Impact Fee Schedule for Fire/Rescue, Parks, Transportation, and Law Enforcement, at second and final reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

<u>Strategic Goal: Other Priority Objectives Identified - Maintain a balanced budget, reserves, and investments.</u>

Motion by Commissioner Honaker, seconded by Commissioner Herzberg, to adopt Ordinance No. 28-2016, Amending Chapter 94, Impact Fees, of the Land Development Code, and the City's Impact Fee Schedule for fire/rescue, parks, transportation, and law enforcement, at second and final reading.

Assistant City Attorney Wade Vose read the title of Ordinance No. 28-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE CODE OF THE CITY OF DELTONA BY PROVIDING FOR STATUTORY COMPLAINCE; PROVIDING THAT IMPACT FEES BE SET BY ORDINANCE; AMENDING ARTICLE II AND SECTION 94-22, FIRE/RESCUE IMPACT FEE SCHEDULE, ARTICLE III AND SECTION 94-32, PARK IMPACT FEE SCHEDULE, ARTICLE IV AND SECTION 94-42, TRANSPORTATION (IMPACT FEE) SCHEDULE, AND ARTICLE V AND SECTION 94-52, LAW ENFORCEMENT IMPACT FEE SCHEDULE; PROVIDING FOR CONFLICTS; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

Mayor Masiarczyk opened the public hearing.

Courtney Hernandez, 2102 Nedra Avenue, Deltona, spoke about not understanding impact fees, having impact fees deter businesses from coming to the City, businesses who pay the impact fee may charge residents more for their services to cover the fee, and that she would discuss her concerns with Commissioner Bradford.

Larry Kent, 235 River Village Drive, DeBary, spoke about the Deltona Business Alliance (DBA) not being approached on the impact fees and this would have been a perfect opportunity to reach out to them, that staff is working on a landscape ordinance which is another opportunity to engage the DBA, that the City reach out to those who are affected by the ordinances and to contact them early in the process.

Mayor Masiarczyk closed the public hearing.

#### The motion carried by the following vote:

For: 7 - Commissioner Alcantara, Commissioner Bradford, Commissioner Herzberg, Commissioner Honaker, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Ordinance No. 28-2016 was adopted at 7:44 p.m.

B. Public Hearing - Request for Rehearing of Ordinance No. 30-2016, Rezoning Request for ±1.46 acres of land located near of the intersection of DeBary Ave. and Providence Blvd., at first reading - Chris Bowley, AICP, Director of

#### Planning and Development Services, (386) 878-8602.

## <u>Strategic Goal: Economic Development - work with existing businesses to expand and grow.</u>

Commissioner Honaker stated at the original meeting the Commission voted on the item before hearing the presentation.

Motion by Commissioner Honaker, seconded by Vice Mayor Nabicht, to grant a rehearing of Ordinance No. 30-2016 relating to rezoning □1.46 acres located west of the DeBary Ave. and Providence Blvd. intersection from PB to C-1, and schedule the rehearing for the first regular City Commission meeting in February, 2017.

Commissioner Honaker stated at the original meeting a vote was taken before the presentation was provided which is why he will make the motion.

Alex Ford, representative for the applicant, 145 East Rich Avenue, DeLand, stated he had a presentation but, in light of the motion he will not present it and that his only issue is that the time frame stated in the motion may not allow enough time for notification.

Commissioner Honaker withdrew his motion and Vice Mayor Nabicht withdrew his second.

Motion by Commissioner Honaker, seconded by Vice Mayor Nabicht, to grant a rehearing of Ordinance No. 30-2016 relating to rezoning □1.46 acres located west of the DeBary Ave. and Providence Blvd. intersection from PB to C-1, and schedule the rehearing for the second regular City Commission meeting in February, 2017.

Assistant City Attorney Vose clarified for the record that Commissioner Honaker's reason for making the motion was that the applicant did not provide the presentation before the Commission took a vote.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

#### The motion carried by the following vote:

- For: 7 Commissioner Alcantara, Commissioner Bradford, Commissioner Herzberg, Commissioner Honaker, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk
- C. <u>Public Hearing Ordinance No. 32-2016, Rezoning ±1.67 acres located at 3151 Howland Blvd. from C-2 (General Commercial) to C-1 (Retail</u>

Commercial), at second and final reading - Ron A. Paradise, Assistant Director, Planning and Development Services (386) 878-8610.

<u>Strategic Goal: Economic Development - focus on Howland Blvd. as a gateway for commercial growth.</u>

Motion by Commissioner Alcantara, seconded by Commissioner Bradford, to adopt Ordinance No. 32-2016, rezoning □1.67 acres located at 3151 Howland Blvd. from C-2 (General Commercial) to C-1 (Retail Commercial), at second and final reading.

Mayor Masiarczyk opened the public hearing.

John Trost, Alliance Commercial Real Estate Advisors, stated if there are any questions he would be glad to answer them.

Mayor Masiarczyk closed the public hearing.

Assistant City Attorney Wade Vose read the title of Ordinance No. 32-2016 for the record.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE OFFICIAL ZONING MAP PURSUANT TO CHAPTER 110, SECTION 1101, OF THE CITY CODE OF ORDINANCES FOR THE PROPERTY LOCATED AT 3151 HOWLAND BOULEVARD FROM GENERAL COMMERCIAL (C-2) TO RETAIL COMMERCIAL (C-1); PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.

#### The motion carried by the following vote:

For: 6 - Commissioner Alcantara, Commissioner Bradford, Commissioner Herzberg, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

**Against:** 1 - Commissioner Honaker

Ordinance No. 32-2016 was adopted at 8:01 p.m.

D. Public Hearing - Ordinance No. 34-2016, Amending the Comprehensive Plan of the City of Deltona Capital Improvements Element, at first reading - Ron Paradise, Assistant Director, Planning and Development Services, (386) 878-8610.

<u>Strategic Goal: Infrastructure - create a utility master plan consistent with</u> zoning.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Motion by Commissioner Herzberg, seconded by Commissioner Honaker, to approve Ordinance No. 34-2016 to amend the Capital Improvements Element and to replace the Capital Improvements Project sheets, at first reading.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Assistant City Attorney Wade Vose read the title of Ordinance No. 34-2016 for the record.

ORDINANCE OF THE CITY DELTONA. FLORIDA. AN OF **AMENDING** THE COMPREHENSIVE PLAN OF THE CITY OF DELTONA, BY AMENDING THE CAPITAL **IMPROVEMENTS ELEMENT PROVIDING** FOR THE REPLACEMENT OF THE CAPITAL **IMPROVEMENT PROJECT** SHEETS: **FINDING** CONFORMITY WITH STATE STATUTES: **PROVIDING FOR** SEVERABILITY: PROVIDING FOR AN EFFECTIVE DATE.

#### The motion carried by the following vote:

For: 7 - Commissioner Alcantara, Commissioner Bradford, Commissioner Herzberg, Commissioner Honaker, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

Ordinance No. 34-2016 was adopted at 8:03 p.m.

#### 10. OLD BUSINESS:

None.

#### 11. NEW BUSINESS:

None.

#### A. Request for City of Deltona funds.

Economic Development Manager Jerry Mayes introduced Shimene Shepard-Ryan and Cynthia Ramirez with FUTURES Foundation/Take Stock in Children (TSIC), 3750 Olson Drive, Daytona Beach. Ms. Shepard-Ryan gave a brief explanation of the Take Stock Program which provides a four year scholarship to a student and those scholarships are purchased with donated funds. Ms. Ramirez explained that the program is statewide so if a student was granted a scholarship and moved out of the State the student would forfeit the scholarship and it would be re-awarded to another student. The original student would be assigned a mentor and they would have to fulfill requirements in the

new State that would have to be met in order to be eligible for the scholarship in that State. FUTURES has to buy the scholarship before it has a student, it is a dollar for dollar match and the organization gathers as much money as it can to buy as many scholarships as possible. If a student does not use all their hours they can be reallocated or reassigned to another student, there is an application process and the applications are due on February 3rd and on average about 100 students apply.

Motion by Commissioner Bradford, seconded by Vice Mayor Nabicht, to approve the request for City funds to the FUTURES Foundation/Take Stock in Children (TSIC) in the amount of \$1,000.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

#### The motion carried by the following vote:

**For:** 6 - Commissioner Alcantara, Commissioner Bradford, Commissioner Herzberg, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

**Against:** 1 - Commissioner Honaker

## B. <u>Authorization to utilize Volusia County's Cooperative Purchasing</u> <u>Professional Services Agreement for Disaster Cost Recovery and Related</u> Grant & Project Management.

Motion by Commissioner Honaker, seconded by Vice Mayor Nabicht, to approve utilizing Volusia County's Cooperative Agreement with Thompson Consulting Services, LLC to provide professional services to assist with data gathering, record keeping, damage assessment and other grant management tasks associated with federally declared disaster events.

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

#### The motion carried by the following vote:

For: 7 - Commissioner Alcantara, Commissioner Bradford, Commissioner Herzberg, Commissioner Honaker, Commissioner Soukup, Vice Mayor Nabicht, and Mayor Masiarczyk

#### 12. CITY ATTORNEY COMMENTS:

Assistant City Attorney Vose stated that Deltona is ahead of the curve when it comes to medical marijuana, most cities in and around Volusia County are passing moratoriums to give staff more time to come up with zoning classifications. Deltona passed an ordinance back in 2014 in anticipation of the prior amendment and the City Attorney,

City Manager and staff are going to be monitoring what the Legislature does which starts in March and that is the next key step. Cities are concerned about the State preempting regulation of medical marijuana facilities to the State and taking away the rights of local governments to direct or regulate where the facilities can go and safety precautions in particular first seeing if those amendments necessitate any amendments to the City's Land Development Code concerning medical marijuana dispensaries and any other suggestions that may come up as a result of that Legislative action.

#### 13. CITY MANAGER COMMENTS:

City Manager Shang reminded everyone that there will be a Workshop on Monday, January 23, 2017 regarding septic issues and the meeting will be held in the Commission Chambers. Also, that there will not be a Workshop on Monday, January 30, 2017.

Mayor Masiarczyk stated last year the Commission talked about televising the workshops in the Chambers. He stated Ms. Shang provided the cost associated with doing that and that none of the Commission responded back to her. He stated because there was no response the Workshops could be held as they have been or in the Chambers. The meeting on January 23rd could be the first and may be the last held in the Chambers if nobody responds to the City Manager and that it is costly to have the meetings in the Chambers to be televised.

Commissioner Honaker called for a point of order that the Mayor misspoke by stating the Commission was to get back with the City Manager, however, the concurrence of the Commission was to hold the meetings in the Chambers starting the first of the year and not get back with the City Manager.

Mayor Masiarczyk stated the Commission concurred to have the City Manager look at the cost involved with moving the meetings to the Chambers.

Commissioner Honaker disagreed and he suggested Mayor Masiarczyk check the minutes of the meeting and Mayor Masiarczyk replied if that is the case he would bow to that. He stated his intent was to let the Commission know to get back with the City Manager when they receive something like that because she at least deserves a response.

Commissioner Honaker appealed to the decision of the chair and he explained he is appealing the comment made to the Commission because the Commission voted on having the meetings in the Chambers and a motion and vote would need to be taken to overturn the Commission's previous decision.

Mayor Masiarczyk stated he did not say that meetings would not be held in the Chambers, but that the City Manager had not heard from anyone and he was not trying to change a vote.

#### 14. CITY COMMISSION COMMENTS:

Commissioner Bradford stated the MLK weekend was awesome which was followed by

a Sunday event at Trinity and she wanted to commend Mr. Williams. She asked for clarification, if the Workshops were not held in the Chambers would the Commission not have them at all and Mayor Masiarczyk replied no, he stated that all Workshops would be held in the Chambers and televised live.

Commissioner Bradford stated to save the date on February 18th, the Rotary is having a run at Gemini Springs and she encouraged everyone to come out.

Commissioner Alcantara asked what a Commissioner needed to do to have a Town Hall meeting and he asked if it could be held in the Chambers. Mayor Masiarczyk replied to contact the City Manager with the details, normally those meetings are not held in the Chambers, but at other City facilities like Wes Crile, Harris Saxon or the Community Center.

Commissioner Alcantara stated he is interested in the process of eminent domain, specifically regarding properties on Tivoli Blvd. and because Assistant City Attorney Vose had trouble getting in contact with the property owners. Assistant City Attorney Vose replied he would be glad to sit with Commissioner Alcantara and walk him through the process if there was no objection.

Commissioner Alcantara asked how long the City tries to contact property owners in eminent domain cases and Assistant City Attorney Vose replied it is an ongoing thing.

Commissioner Alcantara stated he was going through the budgets from 2008 to present, sources and uses, the funds in all the documents and the debt management documents. While doing that he saw water and sewer utility fund sources and uses and looking at the numbers, the actual numbers reported in each document he saw that the actuals fluctuated in the different documents for the different years and it is confusing as to why the actual numbers would change and he gave an example. Finance Director Robert Clinger asked if Commissioner Alcantara could meet with him, he cannot visualize what is being asked and he stated in some cases the budget has estimated actuals because the document needed to be done before the budget year was over.

Commissioner Alcantara recognized that IT Director Steve Narvaez was recognized as IT leader by Computer World and Mr. Narvaez explained what Computer World is. Commissioner Alcantara stated he saw an article that there were 100 people who received the award throughout the Nation, but there were only three who were from municipalities and he congratulated Mr. Narvaez for being a leader in IT.

Commissioner Alcantara stated he wants to do a presentation on community development in March, specifically to bring non-profits together to address the needs in the community as he has some ideas. Mayor Masiarczyk replied to put the information together and let the City Manager preview it.

Commissioner Alcantara stated in the City Attorney's weekly report there were several items listed as public records review and he asked if all the public records requests had to be reviewed by the Legal Department before they were released. Assistant City

Attorney Vose replied it is not that all public records requests go through the Legal Department, the City Clerk does ask for confirmation regarding things like exemptions and confidentiality and based on the Clerk's discretion, they are initiated by the Clerk and he gave some examples of questions that might be asked.

Commissioner Alcantara asked Human Resources Director Richard Adams what the time frame was for when the employee survey would be done and Mr. Adams replied the employee survey is in the budget and he is waiting on direction from the City Manager as to when to proceed, but he is currently working on that request.

Commissioner Alcantara asked if the survey was being done exclusively by the Human Resources Department and would there be any involvement from management. Mr. Adams replied no it would be done by an outside organization who specializes in employee surveys.

Commissioner Alcantara asked if the outside third party would be preparing the questions and Mr. Adams replied both the City and the outside organization.

Commissioner Alcantara stated the survey should be done without any involvement from management especially since he believes some of the questions will be related to management.

Motion by Commissioner Alcantara, seconded by Commissioner Soukup, to have the employee survey done without management's involvement and the results be given to the Commission and City Manager at the same time.

Mr. Adams asked if this was proper and Mayor Masiarczyk replied he would have to discuss it with the City Manager.

Commissioner Bradford stated she needed clarification with regards to not speaking to management because if it were her department, as a manager, she should have some input on the questions that are being asked and that management's input is critical to questions within their area of expertise. She stated if the concern is that someone is scared to respond to questions because of management's response then define what was meant by no management input because she cannot support the motion with no management input.

Commissioner Alcantara stated that he trusts the Human Resources Department and the outside consultant, but he does not see why management, the City Manager, needs to be involved in the process.

Commissioner Soukup stated on January 6th the City Manager sent an email out that the reason why Mr. Rafferty is no longer with the City was because he was not creating an environment of team building and cooperation which all senior level management

needed to be doing. He stated he works for an outside company, once a year he gets an evaluation of his boss' that staff does and it is brutally honest and management has nothing to do with it, not involved with it, it comes to him and an outside company who was hired provides the results. The only involvement management has is picking the firm. The Commission wants staff to be in a happy work environment and an environment of team building and cooperation which he believes can be done with an outside consultant.

Vice Mayor Nabicht asked what the purpose and parameters are of the survey and Mr. Adams replied generally speaking employee engagements/employee satisfaction survey is completed by a third party to gauge the satisfaction of employees in any given organization. There was money set aside in the budget for this to gauge the level of the City's employees as far as engagement satisfaction is concerned. That way staff would know what areas to improve on as management. Generally speaking it will be done with the outside third party and the Human Resources Department whose involvement would be to explain to the third party what it is the City is looking for.

Commissioner Alcantara asked Mr. Adams' opinion, if not having the City Manager involved would negatively affect the survey. Mayor Masiarczyk stated he was putting Mr. Adams in a bad situation, he works for the City Manager and that Commissioner Alcantara told the Commission in an open meeting that he was not going to do a survey until the Commission had a chance to discuss it, but sent one out on his own. The City Manager needs to be involved in the survey, the survey is to get information on how to better treat the employees, it is not a survey for the Commission to rate the City Manager and City Attorney, and staff are at will employees.

Commissioner Alcantara asked Mayor Masiarczyk to please not assume why he is asking for what he is asking for, he wants to ensure that the survey being done this Spring is on the up and up, and that the employees feel that the City Manager is not involved in the process because he thinks that would make everyone more comfortable answering the survey.

Mayor Masiarczyk asked Commissioner Alcantara to withdraw the question and he did.

Commissioner Herzberg asked how many satisfaction surveys Mr. Adams has overseen in his career and Mr. Adams replied dozens.

Commissioner Herzberg stated he has experience in this, he is the Human Resources Director, the survey has been budgeted and Mr. Adams has worked for other municipalities or companies where these surveys were done. She asked Mr. Adams if he was confident that he can find an outside vendor, properly set up the parameters just like in any other organization that he has worked for in the past and Mr. Adams replied absolutely, that is correct.

#### The motion failed by the following vote:

For: 2 - Commissioner Alcantara, and Commissioner Soukup

Against: 5 - Commissioner Bradford, Commissioner Herzberg, Commissioner Honaker, Vice Mayor Nabicht, and Mayor Masiarczyk

Commissioner Alcantara stated God Bless you.

Assistant City Attorney Vose stated he wanted to provide clarification to Commissioner Alcantara regarding the case of Lenor Delano, which was a matter that City Attorney Vose was involved in and he has reviewed it. In eminent domain cases when you are unable to find someone you end up hiring someone called an Guardian Attorney Ad Litem who again does an independent search after the City Attorney's Office has done their search and then that person certifies to the court that they have done everything they can and the court appoints them as somebody who is responsible for their interest. There is still research that happens, but from the litigation stand point to get jurisdiction over them the City does that process in addition to what is known as a Notice of Action.

Commissioner Honaker stated he attended the Fire Departments annual recognition banquet and the MLK breakfast that had a theme Unity is Our Strength which he believes in all walks of life, business and Commission meetings. While he was out jogging he passed two vacant properties who had permit signs posted on them so he stopped to talk to the workers who stated they have purchased a total of 25 homes in his district and are replacing them with new homes. He stated he did a ride along with a Code Enforcement Officer and went by those addresses to check to see if the builder had the correct permits. He stated he is still sticking to his earlier statement regarding the crime rate in Deltona which is almost as low as Lake Helen and Pierson and if you look at the percentages Deltona is still one of the safest cities in Volusia County. He stated he will have more information and will send the Commissioners a link to register for Relay For Life and on Thursday, March 30th every car washed that day a dollar will be donated to Relay For Life. He stated he did a ride along with Steve Braukhoff, Code Enforcement Officer, who was very professional, courteous and knowledgeable and he let the residents know why he was there and what they could do to correct the issue. He stated Mr. Braukhoff's number one concern was is public safety, then they look at property values and beautification for the residents and they have laptops in the trucks and have to document everything. He encouraged all Commissioners to do a ride along. He stated the half cent sales tax is going to come up for transportation funding and he visited the Boys and Girls Club and encouraged everyone to donate indoor games for little kids. He told the City Manager that on Lake Helen Osteen Road there is trash all up and down the road, he asked when the Request For Proposal (RFP) would go out for the monitoring services because trash is coming out of the trucks from Collins Road all the way to the Fair Grounds. He suggested staff follow the haulers to see what is being done right or wrong.

Commissioner Herzberg explained part of the reason for impact fees and what they can be used for, that a new form of public infrastructure funding has been put together by several large entities, initially the Pavilion in Port Orange which is 1% and secondly the new Tanger Outlets which is either .65% or .6%, called a Public Infrastructure Funding (PIF) which is an infrastructure fee. This is a way the developers within their large developments are raising money for their infrastructure to expand on the development or to pay for the infrastructure so you know that it is not only a City or a County that is doing an infrastructure fee. This is a creative way developers are using to pay for roads, street lighting, and other things and there are other infrastructure fees out there that are not all levied by municipalities and are not all necessarily clear cut.

Commissioner Herzberg read the last paragraph of an email that was sent to the Commission from Human Resources Director Richard Adams with regards to the employee survey which was created and sent out by Commissioner Alcantara. She asked for clarification that the survey sent out by Commissioner Alcantara was not City sanctioned and was not sent out to every employee and Mr. Adams replied that is correct and that his concern in the email was that it was not a City sanctioned survey nor was it a survey that was done by a third party, it was not done as any other survey would have normally been done, it did not include the entire City and in the paragraph referred to his concern was when the City decides to do its own survey that there could be some confusion among employees whether it was City sanctioned or not.

Commissioner Herzberg stated the general public needs to know that a Commissioner sent out a survey to a partial group of employees and tonight discussing having a motion to remove management from any involvement that is done by Human Resources and she quoted a statement made by Mr. Adams in his email. She asked Mr. Adams who was not included in Commissioner Alcantara's survey and Mr. Adams replied he could not name everyone that did not receive one, but he did not. She asked for clarification that the City sanctioned survey would be sent to all City employees and Mr. Adams replied yes, every employee will be given the opportunity to complete the survey.

Commissioner Herzberg stated that she recalled there was to be discussion about Commissioner Alcantara's survey, the survey was sent out without any discussion, it could be construed as directing staff or just looking for information, but because it caused a lot of confusion she would like to state that she stands for the City employees because she knows they are under a lot of stress and the survey was very confusing. She stated as a result she has been doing some research for clear governing for the City, the Charter is weak and it is generic and "vanilla".

Commissioner Herzberg requested at a future workshop to put together a resolution that defines the roles of governing and defines clearly and a little more succinctly the roles of what the Commission needs to do and what the Commission is assigned to do and that will eliminate some of the perception of what the Commission is allowed to do and what they are not.

Commissioner Honaker stated with regards to a public records request from Jamison Jessup, in the Charter it stated under "Section 11. General provisions. (1) Charter Amendment. This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, F.S. ch. 166, as the same may be amended from

time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance." and the ordinance was never established and he requested that the ordinance be established.

Mayor Masiarczyk asked if there was any objection to putting both Commissioner Herzberg's and Commissioner Honaker's requests on a future workshop and there was no objection.

Mayor Masiarczyk asked the Assistant City Attorney Vose to draft something that the Commission can look at and Assistant City Attorney Vose replied absolutely.

Commissioner Soukup stated he came into a situation recently, he spoke with Public Works/Deltona Water Director Matt Doan, a gentleman contacted him about getting on reclaimed water and right now there is no program or incentive to try and encourage this. He requested to place on a future agenda for discussion a program for reclaimed water.

Mayor Masiarczyk asked if there were any restrictions and Mr. Doan replied no there are no restrictions and there are no policy directives to pass that on to the citizens.

Mayor Masiarczyk agreed to place Commissioner Soukup's suggested item on a future agenda and there were no objections.

Commissioner Soukup asked Assistant City Attorney Vose, that if he wanted to conduct a survey of all the employees is that illegal and Assistant City Attorney Vose replied illegal can mean a lot of different things, it could mean is it violating a State Statute, is it violating the City Charter, etc. The determination of whether or not something is violating the City Charter is actually one of those few decisions that he cannot give a direct answer on. The City's ordinance specifies that it is the seven Commissioners that make the decision whether or not any given action is a violation of the City Charter.

Commissioner Soukup asked if there was any difference between sending out a survey and going door to door asking the questions and Assistant City Attorney Vose replied any evaluation of that would have to be based on the particular facts and again it is a decision the ordinance has placed in the Commission's hands.

Commissioner Soukup stated each Commissioner does certain things that the others do not all agree on, once again he sees a new Commissioner who is trying to learn things in his community and he is getting reprimanded by his fellow Commissioners. The Commission keeps talking about being a team, but the way he was treated again tonight it is like he is the Commission's 3rd Grade student. He stated like Commissioner Honaker said "Unity is Our Strength", the Commission is a team, each Commissioner has items they are passionate about and he is okay with that, but he hates the belittling of fellow Commissioners. He stated the Commission needs to agree to disagree, the Commission is made up of seven different minds and beliefs all going in seven different directions, and he encouraged the Commission to listen to whatever someone brings forward and at least hear them out.

Vice Mayor Nabicht asked the City Clerk, when the Firefighters' Pension Board members select their two representatives do those two votes not come back to the Commission for affirmation and the City Clerk replied right, she just needed to get with the board secretary Janet Day so it could be placed on the next agenda.

Vice Mayor Nabicht stated on Wednesday, January 25th he will be attending the River To Sea Transportation Planning Organization (TPO) meeting at 9:00 a.m. in Daytona. He stated several weeks ago he brought up that Team Volusia was getting ready to update their website which Deltona has a section of and Commissioners were to submit things they would like to see on that webpage to promote the City and economic development, but the City Manager has only received responses from two Commissioners. Economic Development Manager Jerry Mayes will be meeting with Team Volusia to convey the information, but he encouraged the Commission to take a look at the City's webpage on the Team Volusia website and make some suggestions because the City needs to give Team Volusia as much information as to what the City wants on its webpage because the City pays for them to do that.

Vice Mayor Nabicht stated on February 1st from 8:30 a.m. to Noon there will be a Health Academy Expo at Pine Ridge High School and this is the second one so it should be bigger and better than last year. On January 29th is Emergency Medical Services (EMS) Military Day at University High School from 8:00 a.m. to Noon and he encouraged all that have not attended this event in the past to attend as it is a tremendous event with a massive amount of community partners.

Vice Mayor Nabicht stated the Commission had a discussion in the past and he was asked by a local business person to bring up background checks for cabs that had business tax licenses and operated out of the City of Deltona. One of the owners of one of these cab companies has asked him to bring this up again, have staff bring up a report of what was discussed prior and if there is no interest to do anything at the City level he encouraged the Commission to at least talk to the City's Lobbyist for the next session to see about introducing background checks, if they do not exist currently, for cabs and like businesses at the State level to help ensure that no convicted felons are behind the wheel of a taxi cab that may be picking up residents and he asked for a consensus.

Mayor Masiarczyk stated he does not know what the law is concerning that and he asked staff to find out what the requirements are for cab drivers for County and State.

Commissioner Honaker stated that there was an article in the paper that stated the Legislature is going to look at it again this year, to maybe require background checks for Uber and Lift type organizations, but not cab drivers.

Mayor Masiarczyk stated the Lobbyist may have a better idea and Vice Mayor Nabicht stated there might be some legislation that is being proposed. Mayor Masiarczyk stated let's look into it and find out.

Vice Mayor Nabicht stated he met with some of the City's special needs providers last week and some are looking for shared space or financial assistance, he spoke to them about mini grants and applying for Community Development Block Grant (CDBG) money, and he asked if the City's policy allows for in-kind services for instance office space rather than asking for money. He suggested looking at the policy since the City is looking at rewriting the mini grant policy (Request for City of Deltona Funds), possibly providing a discounted rate to help get them started, some of them are just groups of volunteer people, they do not collect dues, and are support groups who need office space.

Mayor Masiarczyk stated usually the group would go to a church because the non-profit liability would be too great.

Vice Mayor Nabicht stated when the Commission looked at building in the City it looked at building community rooms and those rooms exist in fire stations and the Community Center. There is a great deal of lack of social services in the community and the Commission has been directing people to the facility on Normandy, but there is only so much space that they have. He stated if anyone has any suggestions to let the City Manager know because he would like to see if the City can try and facilitate this for this organization and he gave them information on some of the faith based groups, however, they already have programs operating out of them. He asked to look into a provision for a grant and have the City Manager report back to the Commission on that.

Vice Mayor Nabicht stated when each Commissioner took this office, each stood on the dais and took an oath and in that oath swore to uphold the Charter, the Constitution and City ordinances. The City Charter calls for when there is a possible violation either the Charter Officers or the Commissioners are to bring forth those charges.

Motion by Vice Mayor Nabicht, to have the following item placed on the next Regular Commission Meeting agenda for a discussion and a vote to convene a hearing, as per the City Charter, regarding possible City Charter violations committed by Commissioner Alcantara.

Commissioner Herzberg stated she would like clarification on the motion and would it include any discussion regarding the comments she made on clear governing.

Vice Mayor Nabicht stated it is a discussion to agenda an item regarding a hearing as per the Charter. The only way an item can be on the agenda is by consensus of the Commission and that meeting will be to have discussion on whether or not the Commission wants to schedule a hearing to listen to potential Charter violations that may or may have not been committed. He stated in his mind he does not think there is an issue with including clear governing in that discussion.

Commissioner Herzberg stated her comments relate directly to the Charter.

#### Motion failed for lack of a second.

Mayor Masiarczyk stated Commissioner Herzberg was not ready to second the motion, but he asked her what the dialog was. Commissioner Herzberg replied she would like some clear and open discussion on the Charter and what constitutes a violation, how it can be clarified, and she is in favor of that discussion because it has to be done at some point just like Commissioner Honaker's direction for his ordinance that Mr. Jessup has requested. She stated she would entertain seconding discussion on Charter violations and looking at clarification for what the Charter actually states because she thinks it is ambiguous and really look at what the Charter is saying to the Commission and the parameters for violations.

Mayor Masiarczyk stated what Commissioner Herzberg is proposing is to schedule a hearing to explain exactly what could or could not be a Charter violation and he gave an example. He stated if Commissioner Herzberg would like to move to have a discussion on the Charter, a generic discussion on the Charter that would be up to her. Commissioner Herzberg stated she wanted to think about it.

Mayor Masiarczyk stated it is the first of the year and he had talked to several people in the City, Mr. Kent had a situation that had come up and he too had a situation both personally and professionally come up that he had talked to other people about. He stated he was looking at what would happen this year with the budget, just based on what is going on, and last year several Commissioners were interested in making some adjustments to the budget to give the people a little break. He stated one of the things he looked at is the stormwater fees, the City has spent millions of dollars in the last several years since the bad floods back in the 1990's and early 2000's and corrected a lot of the flooding damage. He stated he is not suggesting to stop doing that, but he thinks the City needs to relook at those fees and what is being charged when people are paying hundreds and hundreds dollars over the last 20 years on vacant property in Deltona which does not seem right. The projects are done in an area and impact fees and stormwater fees have to have a direct return to the public for the investment. He stated the City needs to take a serious look at those because some of the projects are done based on the amount of revenue that comes in and maybe that needs to be pared down a little bit, give the public a break and do the projects that are necessary. He stated some of those fees are way inadequate and when the City requires people who build and do their own stormwater retention and then hit them with large fees later on is not fair. He stated he is not recommending any change, but to take a serious look at this in a workshop and he would like to attend a business men's forum to talk about how he feels about it and then bring back information to discuss at a workshop.

Commissioner Honaker stated to do it during budget discussion because there is \$10 million of unencumbered revenue and if the City paid off that \$5,400,000.00 stormwater debt the City could lower the stormwater rates for everyone.

Mayor Masiarczyk stated that is exactly what he is getting at, look at it ahead of time, let

staff know not to hire a bunch of people or plan a bunch of projects because he is looking at making some sort of an adjustment to it. It seems unfair that someone pays "x" number of dollars and the places where there was serious flooding there is not any, it was fixed it and yet the City is not coming down on those fees. He stated maybe staff can justify why not to come down, but he thinks major changes need to be made especially for projects that come to Deltona, spend hundreds of thousands of dollars putting in stormwater and retention areas so as not to impact the system, but they still pay huge stormwater fees. He stated not only the credits that Mr. Kent brought up, but to look over the whole program and staff will make a recommendation to the Commission.

Commissioner Soukup stated he asked Finance Director Robert Clinger about the City's debt and how it is being funded. He stated he had a phone call from someone who lives outside the City, but his meter is inside the City and used \$6 of water and it cost him \$45 because of the \$30 hook up fee and 25% surcharge. He stated if the City could pay off some of its debt it would not be a bad idea.

Mayor Masiarczyk stated the Commission tabled the policies and procedures review with no reconvene date and he asked the Commission to be prepared at the Regular Commission Meeting on February 6th to have a date to finish that discussion up because there are some things that need to be changed and brought up to date.

Mayor Masiarczyk stated Former Mayor Bobby Garcia got 58% of the votes in DeBary's Primary Election.

Commissioner Herzberg asked for clarification on the meeting that was tabled and Mayor Masiarczyk explained that each Commissioner needs to come prepared with a possible available date they can attend the continuation of that meeting.

Commissioner Honaker stated on January 21st there will be a pancake fundraiser at Station 65 starting at 8:00 a.m.

Mayor Masiarczyk stated the Fire Department needs to have its own calendar and provide more advance notice of events.

#### 15. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:50 p.m.
John C. Masiarczyk, Sr., MAYOR
ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK



#### **Agenda Memo**

AGENDA ITEM: A.

**TO:** Mayor and Commission **AGENDA DATE:** 2/6/2017

**FROM:** Jane K. Shang, City Manager **AGENDA ITEM:** 5 - A

SUBJECT:

Presentation: Annual Christmas Parade Awards - Scott McGrath, Planning and Development

Services, (386) 878-8624.

Strategic Goal: Internal and External Communication. Solicit partnerships with businesses, schools,

hospitals, and residents for information dissemination.

LOCATION:

Deltona Blvd., between Enterprise Road and Diamond Street.

**BACKGROUND:** 

The City of Deltona held its 6th Annual Christmas Parade on December 17, 2016. The entries

selected, were judged by local stakeholders. The results of the judging are as follows:

Youth or Children's Group

First Place Cub Scout Pack 351

Second Place Deltona Fire Explorers 2460
Third Place Timbercrest Elementary School

Band, Vocal, or Performance Group

First Place Deltona High School Health Services Academy

Second Place Deltona High School Blue Brigade Band

Third Place Galaxy Middle School Band

Commercial or Business Entry

First Place RBI Elite Training

Second Place Bath Fitter

Third Place Newman Veterinary Center

Church or Non-Profit Group

First Place All Saints Episcopal
Second Place Galaxy Middle School
Third Place Cub Scout Pack 130

City or Local Government Group

First Place City of Deltona Public Works

Second Place Deltona Water

#### **AGENDA ITEM:** A.

#### **Best Overall**

Cub Scout Pack 351

#### COST:

N/A

#### **SOURCE OF FUNDS:**

N/A

#### **ORIGINATING DEPARTMENT:**

Planning and Development Services

#### STAFF RECOMMENDATION PRESENTED BY:

N/A

#### **POTENTIAL MOTION:**

N/A



#### **Agenda Memo**

**AGENDA ITEM:** B.

**TO:** Mayor and Commission **AGENDA DATE**: 2/6/2017

FROM: Jane K. Shang, City Manager AGENDA ITEM: 5 - B

SUBJECT:

Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502.

LOCATION:

N/A

#### **BACKGROUND:**

Quarterly Reports of City Advisory Boards/Committees:

- 1) Planning and Zoning Board (Written Report Only)
- 2) Firefighters' Pension Plan Board of Trustees (Presented by Plan Administrator Lisa Spriggs)
- 3) Deltona Economic Development Advisory Board (Presented by Vice-Chair Eric Alexander)
- 4) Team Volusia (Presented by Team Volusia Economic Development Corporation)

#### COST:

N/A

#### SOURCE OF FUNDS:

N/A

#### **ORIGINATING DEPARTMENT:**

City Clerk's Office

#### STAFF RECOMMENDATION PRESENTED BY:

N/A - Presentation Only.

#### POTENTIAL MOTION:

N/A - Presentation Only.



### FOURTH QUARTER (4<sup>th</sup>) 2016 PLANNING & ZONING BOARD REPORT

#### **MEETING DATES:**

Planning & Zoning Board (Board) meetings were held on November 16 and December 21, 2017 within this quarter.

#### **ITEMS HEARD AT THE PLANNING & ZONING BOARD MEETINGS:**

ORDINANCES/RESOLUTIONS/OTHER	4
DISCUSSIONS/ORIENTATION/ELECTIONS	4

A. Ordinance No. 29-2016, Amending Chapter 102, Signs, of the City's Land Development Code. City staff presented the proposed Sign Code draft in the form of the ordinance to the Board and provided a history of the Sign Code to the members. Staff also noted involvement and input of the draft from the Deltona Business Alliance members and the City's Ordinance Review Committee (ORC). The changes include the provision of Section 102-11 that allows for PUD-like process that gives an applicant flexibility to create a sign package custom to their site. This is in addition to the more flexible regulations provided in the draft Sign Code. Discussion also ensued about definitions and, in particular, neon-like signage. With new signage technology, the neon-like provision was removed. The Board voted unanimously (5-0) to recommend that the City Commission adopt the new Sign Code, with two members absent.

#### B. Ordinance No. 26-2016, Amending Chapter 94, Impact Fees.

City staff provided a summary of impact fees in the City and their purpose and intent. Staff explained that the purpose of this ordinance was to update the City's impact fee schedule for specific fees, law enforcement, fire/rescue, transportation, and parks, to become more current, as well as to create a list of land uses that more accurately reflect the developed and platted land use pattern of the City. Discussion ensued about the economic competitiveness of Deltona and the distinction of the transportation impact fee methodology generating high rates in the consultant's report. City staff mentioned the need to research those fees from a City Commission Workshop and determined that the majority of transportation impact fees will remain as adopted to keep Deltona economically competitive. The Board voted unanimously (5-0) to

City of Deltona, Florida P&Z 4<sup>th</sup> Quarter 2016 Report January 19, 2017 Page 2 of 2

recommend that the City Commission adopt the proposed impact fee ordinance, with two members absent.

## C. Ordinance No. 34-2016, Amending the Capital Improvements Element of the Comprehensive Plan.

City staff provided its annual presentation on the updates to the Capital Improvements Element (CIE) of the Comprehensive Plan and Capital Improvements Project Sheets. The Board discussed a number of items, including clarification on stormwater management projects, alternative water supply, Tivoli Drive intersection improvements, and solid waste collection funding the William S. Harvey Scholarship Fund. The Board also discussed the potential of the Florida Department of Transportation (FDOT) widening of Saxon Blvd. as it pertains to the provision of commercial sewer and the potential lack of land to develop in the remainder condition.

### **DISCUSSIONS/ORIENTATION/ELECTIONS:**

## A. By the Board.

Member Irizarry was welcomed back to the Board as a former member and the Board welcomed the new City Planner, Joseph Ruiz, to the City. The Board also discussed the upcoming meeting to elect officers and staff mentioned the City Attorney's annual presentation on sunshine laws.

## B. By the City Attorney:

None.

## C. By Planning & Development Services Staff:

At the request of the Board, City staff discussed constrained lots in Deltona and their development potential. With the upcoming rewrite of the Landscape Ordinance by staff, there is the need to address more productive land use per lot. The Board recommended a reduction in the front yard landscape buffer to 10-ft. or 10% of the lot depth. Staff discussed a variety of sound planning and design practices for land use constraints as communities transition from suburban to more urban, including but not limited to, location of perimeter roads as bufferyards, screening from view versus bufferyard widths that are land intensive, scaling, massing, or co-location of shared parking facilities, etc. The Board added the potential to co-locate stormwater ponds in landscape bufferyards with permitting approvals or to increase the pond slopes to greater angles. Finally, staff also requested those Board members desiring reappointment to contact the City Clerk.

## City of Deltona, Firefighters' Pension Plan Board of Trustees Quarterly Report Quarter Ended December 31, 2016

## **Board of Trustees:**

- City Commission Appointees (terms expire January 2021):
  - o Gene Gizzi original appointment December 2013
  - o Janet Deyette original appointment September 2013
- Active plan member appointees (terms expire January 2021):
  - o Kurt Vroman, original appointment January 2009
  - o John Fleemin original appointment May 2015
- Trustee Appointee (term expires January 2018):
  - o James Koczan original appointment February 2008

## **Quarterly Administration Highlights:**

1. The portfolio as of December 31, 2016 totals \$24,728,946 and is comprised of the following:

Equities	\$ 15,447,345
Fixed Income	\$ 7,583,023
Real Estate	\$ 1,214,774
Cash / Equivalents	\$ 483,805

2. **Investment Performance -** Annual rate of return for calendar year 2016 was 6.74%. The pension portfolio investment strategy is focused on providing an average rate of return over the long-term. The following reflects the portfolios comparative performance on an average basis:

3 Year Average	5.40%
5 Year Average	8.37%
Since Inception	5.90%



## **DELTONA ECONOMIC DEVELOPMENT ADVISORY BOARD**

# Q4, 2016 Quarterly Report to Deltona City Commission February 6, 2017

Tanya Boggs	
<b>DEDAB Chairperso</b>	n

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## DELTONA ECONOMIC DEVELOPMENT ADVISORY BOARD

## DEDAB Quarterly Report to Deltona City Commission **Q4, 2016**

#### **ASSIGNMENTS / TASKS**

#### **DEDAB MISSION STATEMENT**

Identify and approach, meet and obtain ideas from each area stakeholder and utilize these ideas toward the proposal for a workable "workforce", the assignment given by the Deltona City Commission.

#### **GENERAL REPORT**

DEDAB meets on the second Friday of each month, in the Second Floor Conference Room at Deltona City Hall. The meetings start at 3:30 P.M. and are scheduled to last one hour. Meetings are open to the public and public participation is encouraged.

The assignment given by the elected City Commission of the City of Deltona were as follows:

WORKFORCE DEVELOPMENT

The citizen volunteers that comprise the Deltona Economic Development Advisory Board (DEDAB) met on October 14, and December 9. Items on the agenda and of primary business were as follows:

October 14: In addition to the regular business of DEDAB, Mr. Ron Paradise, Planning & Development Services Assistant Director, made presentation on City of Deltona's new Community Redevelopment Area (CRA) and the CRA's potential for workforce development in the CRA corridor.

November 11: Due to the holidays, DEDAB elected to not meet in the month of November.

<u>December 9</u>: With workforce development as the primary Commission assignment for DEDAB, DEDAB had requested a survey be conducted regarding the interest of existing Deltona businesses in workforce development via Business Expansion and Retention of existing businesses. City staff, via the City Liaison to DEDAB, initialed this survey, whose results, upon completion, will become a major part of DEDAB's recommendation to the City

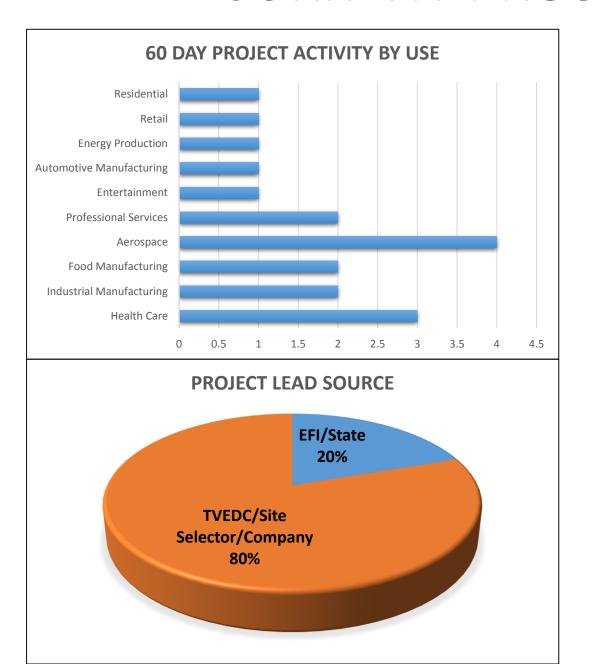


of Deltona Con	nmissions. A review ussed at the Decemb	and update on the	DEDAB Small E	Business Survey wa	.S
given and disci	issed at the Decemb	er 9 meeting.			

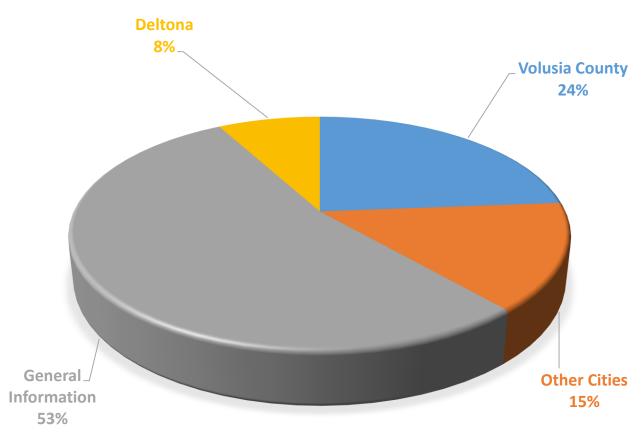


City of Deltona 2/6/2017

# **CURRENT PROSPECT DASHBOARD**







# PAST PROJECT WINS



COMMUNICATIONS



DARDEN.





















# TVEDC/Deltona Specific Assistance

- 1. Deltona Sector Analysis Report
- 2. Deltona Highest and Best Use Analysis
- 3. Deltona Incentive Program Creation
- 4. Flex Themed Business Accelerator Project
- 5. Marketing and Branding Support
- 6. Deltona Office Hours and Deltona Specific Meetings Avg. 6-8/month
- 7. Presentations to the City Commission and the Deltona Economic Development Advisory Board
- 8. Product Development Strategy Currently Leading a Number of Developers

## Business Development Outreach – 11/16-1/17

## **Economix Atlanta-(18 Firms)**

- Jones Lang LaSalle
- · Cushman & Wakefield
- Ernst & Young (EY)
- CBRE
- Mohr Partners
- Navigator Consulting
- E. Smith Realty Partners
- NodeCom, Inc.
- Global Location Strategies
- Site Selection Group
- Kate McEnroe Consulting
- Atlas Insight
- McCallum Sweeney Consulting
- ADP
- True Partners Consulting
- Roedl & Partnr
- Edgewood Strategies
- BDO

## **AD Consultant Forum Miami-(16 Firms)**

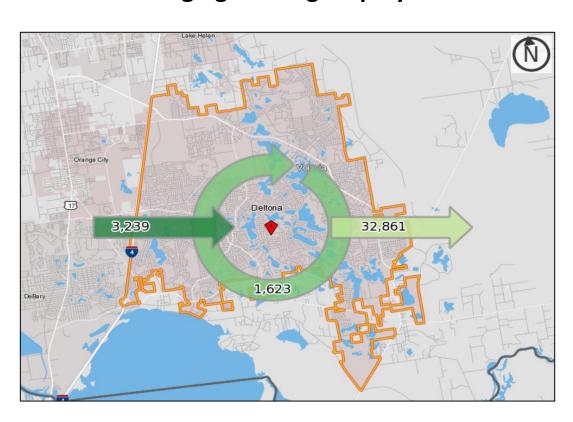
- Chmura Economics & Analytics
- The CAI Global Group
- Site Selection Group
- Atlas Insight
- Ernst & Young (EY)
- Olsson Associates
- JLL
- Kupperman Location Solutions
- LautmCushman & Wakefield
- · E. Smith Realty
- Deloitte
- Investment Consulting Associates
- BDO
- Global Location Strategies GLS
- GLD Partners
- Economic Architecture

## **Consultant Mission NY-(5 Firms)**

- KPMG
- Deloitte
- Ernst & Young (EY)
- Site Selection Group
- Hickey & Associates

# Local issues to address

## **Leveraging Existing Employment**



## **Real Estate Product Development**

- Total Commercial Real Estate Vacancy Rate = 6.47%
  - Industrial Vacancy Rate = 0%
  - Office Vacancy Rate = 9.58%
    - Class A Real Estate = 0%
- Total Retail Vacancy Rate = 6%
- Total Flex Vacancy Rate = 0%
  - Total Flex Properties = 0
- Continue to Develop Vacant Land

# Question: How to make Deltona more competitive?

- Actively market Deltona's value proposition for back office and professional service opportunities
  - Lower cost profile relative to Orlando
  - High concentration of target workforce
- Continue to develop the healthcare/medical cluster
  - End goal of attracting medical R&D, medical back-office, and medical manufacturing (long-term)
- Determine short-term/long-term economic development goals
  - Commission an economic development strategic plan
- Focus on real estate product development
  - Shovel-Ready industrial sites
  - Promotion of speculative development
  - Systematic site readiness concerning utilities, zoning, easements, etc.
  - Identify sites with development potential (site control if possible)
- Enhance economic development focused marketing
  - Deltona specific marketing via website, social media, and print
  - Focus on workforce attraction and supply within a 30 min. drive time
  - Cross promote/marketing with TVEDC and west Volusia region

## Thank You

## Follow us on social media:

Keith Norden, CEcD President and CEO

Chris Wimsatt, CEcD VP, Business Development

Matt Chesnut, CEcD VP, Business Intelligence and Operations

Twitter: @TeamVolusiaEDC

Phone: 386-265-6332





## City of Deltona

## **Agenda Memo**

AGENDA ITEM: C.

**TO:** Mayor and Commission **AGENDA DATE**: 2/6/2017

**FROM:** Jane K. Shang, City Manager **AGENDA ITEM:** 5 - C

SUBJECT:

Super Star Student of the Month Certificates for January 2017

LOCATION:

N/A

#### **BACKGROUND:**

Super Star Student of the Month awards for January 2017 will be presented to:

- 1. Deltona Lakes Elementary, Jayla Johnson, 3<sup>rd</sup> Grade
- 2. Discovery Elementary, Elizabeth Saul, 3<sup>rd</sup> Grade
- 3. Enterprise Elementary, Nicholas Negron, 4<sup>th</sup> Grade
- 4. Forest Lake Elementary, Molly Headrick, 1st Grade
- 5. Friendship Elementary, Sarah Reynolds, 5th Grade
- 6. Pride Elementary, Christian Beaulieu, 2<sup>nd</sup> Grade
- 7. Spirit Elementary, David Burgos, 5<sup>th</sup> Grade
- 8. Sunrise Elementary, Aliyah Suepat, 4th Grade
- 9. Timbercrest Elementary, Ciera Cervantes, 3rd Grade
- 10. Deltona Middle, Hayden Wright, 6th Grade
- 11. Galaxy Middle, Christopher Cerroni, 7th Grade
- 12. Heritage Middle, Kady Martinez, 6<sup>th</sup> Grade
- 13. Deltona High, Sarah Franklin, 12th Grade
- 14. Pine Ridge High, Fredderick Boother, 10th Grade
- 15. University High, Derek Garcia, 11th Grade

#### COST:

N/A

## **SOURCE OF FUNDS:**

N/A

#### ORIGINATING DEPARTMENT:

City Manager's Office

### STAFF RECOMMENDATION PRESENTED BY:

N/A - Presentation Only.

**AGENDA ITEM:** C.

**POTENTIAL MOTION:** 

N/A - Presentation Only.

## Super Star Students Read File – January 2017 presented on February 6, 2017.

Teacher	School	Student	Grade	Reading Comments on Student Achievements
Miss Judy K. Tracy	Deltona Lakes Elementary	Jayla Johnson	3rd	<ul> <li>Jayla Johnson, a 3<sup>rd</sup> grade student at Deltona Lakes Elementary School, is receiving a Super Star certificate for:</li> <li>Positive attitude; Jayla transferred to DLE in the middle of the semester and has worked hard on blending in with her class. She has adapted well to our rules and procedures. She picked up on group discussions and citing text for support guidelines and jumped right in participating enthusiastically with her new peers. She is helpful to members of her group and shows true leadership qualities. She never has an unkind word to say.</li> <li>Responsibility; Jayla listens attentively and helps those around her when they weren't as attentive. She follows directions the first time given and when she is done with her work early, she helps others or gets lost in a good book.</li> <li>Perseverance; Jayla never gives up, tries hard, asks good questions, and is an awesome critical thinker. She is a good role model for her peers.</li> </ul>
Miss Sichting	Discovery Elementary	Elizabeth Saul	3rd	<ul> <li>Elizabeth Saul, a 3<sup>rd</sup> grade student at Discovery Elementary School, is receiving a Super Star certificate for:</li> <li>Receiving all A's and B's on her report card.</li> <li>Elizabeth has the highest average on District Assessments in both Reading and Math.</li> <li>She is a responsible student who is an extreme help to both the teacher and other students.</li> <li>Elizabeth is a role model for her peers.</li> <li>She is an outstanding school citizen.</li> </ul>

Mrs. Bundy	Enterprise Elementary	Nicholas Negron	4th	<ul> <li>Nicholas Negron, a 4<sup>th</sup> grade student at Enterprise Elementary School, is receiving a Super Star certificate for:</li> <li>Being an honor roll student.</li> <li>Nicholas is well-behaved, respectful, responsible and dependable.</li> <li>He is always willing to help other students, as well as the teacher.</li> </ul>
Mrs. Murphy	Forest Lake Elementary	Molly Headrick	1st	<ul> <li>Molly Headrick, a 1<sup>st</sup> grade student at Forest Lake Elementary School, is receiving a Super Star certificate for:</li> <li>Perfect attendance so far this school year.</li> <li>She is cheerful and always willing to help her classmates.</li> <li>Molly completes all of her work neatly and on time.</li> <li>She volunteers to work in the school store with her grandfather.</li> </ul>
Mrs. Rosenberg	Friendship Elementary	Sarah Reynolds	5th	<ul> <li>Sarah Reynolds, a 5<sup>th</sup> grade student from Friendship Elementary, is receiving a Super Star certificate for:</li> <li>Academic excellence; Sarah has worked hard to bring her grades up to straight A's! She is a deep thinker and is motivated to put forth her best effort.</li> <li>She is a responsible student and trustworthy Safety Patrol.</li> <li>Sarah is very helpful and kind towards all.</li> </ul>

Mrs. Rohmeyer	Pride Elementary	Christian Beaulieu	2nd	<ul> <li>Christian Beaulieu, a 2<sup>nd</sup> Grade student at Pride Elementary School, is receiving a Super Star certificate for:</li> <li>Christian is a wonderful student in the classroom.</li> <li>He puts an astounding amount of effort into his school work.</li> <li>Christian has shown improvement in his reading and math work.</li> </ul>
Mr. Prestwood	Spirit Elementary	David Burgos	5th	<ul> <li>David Burgos, a 5<sup>th</sup> grade from Spirit Elementary School, is receiving a Super Star certificate for:</li> <li>Academic excellence; David is a straight A student that seems to excel in all subjects and he made a 100% on his VMT2.</li> <li>Leadership abilities; David is a leader of others, which was demonstrated by his rapid promotion to Sargeant in Safety Patrol.</li> <li>Behavior; David has exemplary behavior and is a role model for all students.</li> </ul>
Mrs. Philyaw	Sunrise Elementary	Aliyah Suepat	4th	<ul> <li>Aliyah Suepat, a 4<sup>th</sup> grade from Sunrise Elementary School, is receiving a Super Star certificate for:</li> <li>Academic excellence and excellent study skills.</li> <li>Aliyah exhibits the 7 habits of highly effective people.</li> <li>She is always willing to help her teacher or a peer.</li> <li>Aliyah has outstanding critical thinking skills.</li> </ul>

Mrs. Melendez	Timbercrest Elementary	Ciera Cervantes	3rd	<ul> <li>Ciera Cervantes, a 3<sup>rd</sup> grade student from Timbercrest Elementary School, is receiving a Super Star certificate for:</li> <li>Maintaining all A's and B's</li> <li>Ciera is always on good behavior and is not afraid to help others get on task too.</li> <li>She is very wise in her choice of words when responding to the class and to her friends.</li> <li>Ciera is thoughtful in her actions and caring towards everyone. She has a great deal of patience to deal with anything and everyone. She is flexible and ready to jump in and learn.</li> <li>Ciera is a joy to have in class and deserves to be recognized as an outstanding student.</li> </ul>
Deltona Middle	Deltona Middle	Hayden Wright	6th	<ul> <li>Hayden Wright, a 6<sup>th</sup> grade student from Deltona Middle School is receiving a Super Star certificate for:</li> <li>Being very respectful of others and always finding a way to help them.</li> <li>Hayden shows great effort with his sports life as a baseball catcher.</li> <li>He is an academically excellent student.</li> <li>Hayden is responsible and friendly.</li> </ul>
Ms. Hill	Galaxy Middle	Christopher Cerroni	7th	<ul> <li>Christopher Cerroni, a 7<sup>th</sup> grade student from Galxy Middle School is receiving a Super Star certificate for:</li> <li>Chris perseveres through obstacles and makes no excuses for anything despite physical limitations.</li> <li>He has tremendous work ethic and his social interactions with peers are all positive.</li> </ul>

Mrs. Rosso	Heritage Middle	Kady Martinez	6th	<ul> <li>Kady Martinez, a 6<sup>th</sup> grade student from Heritage Middle School is receiving a Super Star certificate for:</li> <li>Academic excellence and scientific thinking.</li> <li>Kady has a dedication to success and high motivation.</li> <li>She has a strong work ethic.</li> <li>Kady is an excellent role model for peers.</li> <li>She was the only girl on the Deltona Orioles last season.</li> <li>Kady is enthusiastic and has a delightful personality.</li> </ul>
Mr. Chase	Deltona High	Sarah Franklin	12th	<ul> <li>Sarah Franklin, a 12<sup>th</sup> grade student from Deltona High School is receiving a Super Star certificate for:</li> <li>Sarah finds a way to be active in the National Honor Society as an officer, a member of the Academic Team, and various other clubs, she maintains high grades in her AP courses, and stays prepared and on track for college.</li> <li>She is a student who will find time to make sure she gets all of her assignments completed by the due date and is ready to ask for help when needed.</li> <li>Sarah has also been a very active student with the National Honor Society peer tutoring, she's a pleasure to have in class, and is one of Deltona High's true superstars.</li> </ul>

Mr. John Navarra	Pine Ridge High	Fredderick Boother	10th	<ul> <li>Fredderick Boother, a 10<sup>th</sup> grade student from Pine Ridge High School, is receiving a Super Star certificate for:</li> <li>Fred is always in class on time and ready to learn. With his positive attitude, he inspires other students to do their best.</li> <li>Fred also has worked with middle school students. He helped students do school work and taught life skills.</li> <li>Fred is a member of the JV track team.</li> </ul>
Ms. Torres-Pearsall	University High	Derek Garcia	11th	<ul> <li>Derek Garcia, an 11<sup>th</sup> grade student from University High School, is receiving a Super Star certificate for:</li> <li>Academic achievement and being a hard worker to maintain his grades.</li> <li>He is responsible and an outstanding school citizen.</li> <li>Derek is part of University's Spirit Squad, member of JROTC Raiders team, and member of our wrestling team.</li> <li>He is always available to lend a helping hand.</li> </ul>



## City of Deltona

## **Agenda Memo**

**AGENDA ITEM:** A.

**TO**: Mayor and Commission **AGENDA DATE**: 2/6/2017

**FROM:** Jane K. Shang, City Manager **AGENDA ITEM:** 9 - A

SUBJECT:

Request for Approval of Resolution No. 2017-02, Approval of Prior Year (FY 2015/2016) Budget Carry Forward of Municipal Complex Fund funds in order to provide funding to complete multi-year "The Center at Deltona" Municipal Complex project - Robert Clinger, Finance Department (386) 878-8552.

Strategic goal: Fiscal Issues

LOCATION:

N/A

#### **BACKGROUND:**

The City currently has "The Center at Deltona" a Municipal Complex project that is on-going and spans more than one fiscal year. This project is subject to design, bidding, and selection schedules as well as mobilization and implementation schedules that can result in multi-year expenditures. Last year, the Finance Department worked with Public Works to establish a protocol which allows for more accurate budgeting of multi-year projects so that projects can more efficiently carry forward from one budget year to the next.

The City's Municipal Complex Fund had a revised capital budget of \$8,980,000 for FY 2015/2016 and is requesting to carry forward \$2,285,700 of unspent funds. The funds will be allocated to two (2) on-going multi-year Municipal Complex projects.

## COST:

\$2,285,700

#### SOURCE OF FUNDS:

Prior Year Municipal Complex Fund Roll-Over Funds

#### ORIGINATING DEPARTMENT:

Finance

#### STAFF RECOMMENDATION PRESENTED BY:

Robert Clinger, Finance Director - Staff recommends that the City Commission approve Resolution No. 2017-02, Approval of Prior Year (FY 2015/2016) Budget Carry Forward of Municipal Complex

### **AGENDA ITEM:** A.

Fund funds in order to provide funding to complete multi-year "The Center at Deltona" Municipal Complex project

## **POTENTIAL MOTION:**

"I move to approve Resolution No. 2017-02, Approval of Prior Year (FY 2015/2016) Budget Carry Forward of Municipal Complex Fund funds in order to provide funding to complete multi-year "The Center at Deltona" Municipal Complex project

## **City of Deltona**

## Exhibit A

## **Budget Amendment**

## Fiscal Year 2016-2017

Amenament #:	2017-14	Date:	February	6, 2017
Fund:	Municipal Complex Fund	Agenda Item:		
			Increase	Decrease
Account #:	301 650100 30502	Amount:	2,285,700	
Description:	SENIOR/COMMUNITY CENTER		_	-
Account #:		Amount:		
Description:	-			
Account #:		Amount:		
Description:				
Account #:		Amount:		
Description:				
Account #:		Amount:		
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Account #:		Amount:		
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Description:		A		
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Account #:		Amount:		
Description:		Amount.		
Account #:	-	Amount:		
Description:		1 22210 02200		
Description:	This amendment results in a net	decrease in		
1	Budgetary Fund Balance of \$2,2	285,700.		
Reason:				
	Carryover of unused budget dollars from capital project.	FY 15/16 to the FY 16/17 B	udget for The Cent	er at Deltona
ATTEST:				
		John C	C. Masiarczyk,	Sr., Mayor
Jov	ce Raftery, City Clerk			

#### RESOLUTION NO. 2017-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA; AMENDING THE ANNUAL MUNICIPAL COMPLEX FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017 BY ADJUSTING EXPENDITURES; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** on September 19, 2016, City Commission adopted a budget for the 2016-2017 fiscal year specifying certain projected revenues and expenditures; and

WHEREAS, from time-to-time circumstances and events may require the original budget to be revised; and

WHEREAS, Section 6.3 of the Charter of the City of Deltona, Florida provides for Appropriation Amendments During the Fiscal Year upon written request of the City Manager, and the City Council may, by resolution approve (a) Supplemental Appropriations, (b) Reduction of Appropriations, and (c) Transfer of Appropriations; and

**WHEREAS,** based on a review, the City Manager has delivered a recommended budget amendment for the 2016-2017 fiscal year; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION

OF THE CITY OF DELTONA, FLORIDA, as follows:

**Section 1.** That the annual budget of the Municipal Complex Fund of the

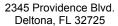
City of Deltona, Florida Resolution No. 2017-02 Page 2 of 2

City of Deltona as adopted for the fiscal year beginning October 1, 2016, is hereby revised and amended to provide for an amendment of appropriations as provided in Exhibit "A" attached hereto and incorporated herein by this reference.

**Section 2.** That all resolutions or parts of resolutions in conflict herewith be repealed.

**Section 3.** This resolution shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ADOPTED BY TH	HE CITY COMMISSION OF TH	IE CITY
OF DELTONA, FLORIDA, THIS	_ DAY OF	, 2017
	BY:	., Mayor
ATTEST:		
JOYCE RAFTERY, City Clerk	_	
Approved as to form and legality for use and reliance of the City of Deltona, Florida:		
GRETCHEN R.H. VOSE, City Attorney	-	





## City of Deltona

## **Agenda Memo**

AGENDA ITEM: A.

**TO:** Mayor and Commission **AGENDA DATE**: 2/6/2017

**FROM:** Jane K. Shang, City Manager **AGENDA ITEM:** 10 - A

SUBJECT:

Request for approval of the novation letter assigning Hawksley Consulting Inc. agreement to Stantec Consulting Services Inc, Matt Doan, P.E., Public Works Director, (386) 878-8973.

Strategic Goal: Fiscal Issues

LOCATION:

Public Works - Deltona Water

#### **BACKGROUND:**

The City of Deltona has utilized Burton & Associates, Inc. on a variety of rate, impact fee, and other financial services across multiple departments. Burton & Associates, Inc. was acquired by Hawksley Consulting Inc. and the most recent rate study agreement presented at the December 12, 2016 Regular Commission Meeting reflected the current name. The back-up information provided by the Public Works Director at the meeting included discussion regarding a letter received the Friday prior indicating another name change to Stantec Consulting Services Inc. Hawksley Consulting Inc. was owned by MWH Global Inc. which was bought previously by Stantec Consulting Services Inc. and the letter indicated the subsidiary names would be dissolved effective January 1, 2017 including MWH Global Inc., Hawksley Consulting Inc., and Burton & Associates and all assets and liabilities, including existing contracts, will be assigned to Stantec Consulting Services Inc. All Burton & Associates, Inc. staff that work on City of Deltona projects remain and office locations will be maintained under the new name.

Per Section 5.3 of the agreement between the City of Deltona and Hawksley Consulting Inc. for Water, Wastewater and Reclaimed Water Rate Study and Financial Management Services; the agreement may be assigned or transferred with prior written authorization from the City. The vendor submitted a novation letter in an effort to comply with the agreement and requests the City of Deltona exercise the option. The Public Works Department requests that the City Commission accept the assignment and transfer of the agreement from Hawksley Consulting Inc. to Stantec Consulting Services Inc. and provide the written authorization noted in Article 5, Section 5.3 via execution of the novation letter. This action will facilitate timely completion of the Water and Wastewater Revenue Sufficiency Analysis (rate study) submitted as Task Order No. 1 under the agreement and as approved by the Commission on December 12, 2016. Also, the Commission directed staff to begin the RFQ process to explore new consulting services and to not assign any further work to Stantec Consulting Services Inc. The RFQ process should be completed by late summer 2017. This directive has the potential to delay necessary rate studies because the City will not have a consultant under contract, unless the Commission approves to have Stantec Consulting Services Inc. available

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for future work.

#### COST:

### **SOURCE OF FUNDS:**

Enterprise Funds for Task Orders as they are submitted

#### **ORIGINATING DEPARTMENT:**

Matt Doan, P.E., Public Works Director, (386) 878-8973

### STAFF RECOMMENDATION PRESENTED BY:

Matt Doan, Public Works Director, recommends the City Commission approve the novation letter assigning Hawksley Consulting Inc. to Stantec Consulting Services Inc., as it pertains to the agreement for the Water, Wastewater and Reclaimed Water Rate Study and Financial Management Services.

#### POTENTIAL MOTION:

"I move that the City Commission approve the assignment and transfer of the agreement from Hawksley Consulting Inc. to Stantec Consulting Services Inc. and authorize the Mayor or Designee to approve the novation letter from Hawksley Consulting Inc. to Stantec Consulting Services Inc., as it pertains to the Water, Wastewater and Reclaimed Water Rate Study and Financial Management Services Agreement, and until a new consultant is approved by the Commission."



December 05, 2016

City of Deltona 255 Enterprise Road Deltona, FL 32725

Attention: Accounts Payable – New W-9

To whom it may concern:

Reference: Various Projects

Consulting. ("Hawksley") were acquired by Stantec Inc. As part of the on-going integration of the service offerings of the combined MWH and Stantec companies, effective January 1, 2017, Hawksley will be dissolved and all of its assets and liabilities, including existing contracts, will be assigned to Stantec Consulting Services Inc. ("Stantec"), with the result that the Hawksley operations will be carried on through Stantec. Stantec will maintain Hawksley's present office locations with no interruption in operations or client services, and all future projects and operations will be transitioned to the Stantec name in the upcoming months. The Stantec community unites approximately 22,000 employees working in over 400 locations across six continents. Our work—engineering, architecture, interior design, landscape architecture, surveying, environmental sciences, project management, and project economics, from initial project concept and planning through design, construction, and commissioning—begins at the intersection of community, creativity, and client relationships. With a long-term commitment to the people and places we serve, Stantec has the unique ability to connect to projects on a personal level and advance the quality of life in communities across the globe. Stantec trades on the TSX and the NYSE under the symbol STN. Visit us at stantec.com or find us on social media.

Stantec's vision includes working with the best clients on the best projects and providing the best services. Accordingly, please be assured that the continuity of your current project will be unaffected by this new arrangement. The caliber of the personnel currently working on your project will not change and, except for the assignment requested herein, no other aspect will be affected.

In this regard, we request your approval to assign all existing contracts in the name of **Hawksley Consulting** to Stantec. Kindly indicate your consent to the request for assignment by returning a duplicate copy of this letter, executed on behalf of Hazen and Sawyer.

Sincerely,

**Hawksley Consulting** 

Chemie Rivera

Cherie Rivera

**Project Accounting Specialist** 

**Enclosures:** 

Client Letter.PDF Hawksley AR Cards.PDF SCSI W9.PDF Please review, sign, and return via email the Contract Assignment Letter by Tuesday December 20, 2016. Please let me know if you have any questions.

Cherie Rivera 303/385-5547 Cherie.A.Rivera@us.mwhglobal.com

The undersigned hereby consents to the assignment of the Contract noted above to Stantec Consulting Services Inc. effective January 1, 2017.

City of Deltona – Client #1288258					
Print and Sign					

## Hawksley Consulting joins Stantec

## HAWKSLEY CONSULTING IS PLEASED TO ANNOUNCE

that effective January 1, 2017, our legal operating entity will change.

All future projects will be under the name of Stantec. We kindly ask that you adjust your records to reflect our new operating entity, **Stantec Consulting Services Inc.** 

At this time, there is no change to our process for receiving invoice payments. Please continue using the same process as you have in the past, other than using our new name on checks or remittances effective January 1, 2017.

We look forward to continuing our relationship with you as Stantec.





We're active members of the communities we serve. That's why at Stantec, we always design with community in mind.

The Stantec community unites approximately 22,000 employees working in over 400 locations across six continents. Our work—engineering, architecture, interior design, landscape architecture, surveying, environmental sciences, project management, and project economics, from initial project concept and planning through design, construction, and commissioning begins at the intersection of community, creativity, and client relationships. With a long-term commitment to the people and places we serve, Stantec has the unique ability to connect to projects on a personal level and advance the quality of life in communities across the globe.

Stantec trades on the TSX and the NYSE under the symbol STN. Visit us at stantec. com or find us on social media.





# AGREEMENT BETWEEN CITY OF DELTONA, FLORIDA AND HAWKSLEY CONSULTING INC

## FOR WATER, WASTEWATER & RECLAIMED WATER RATE STUDY AND FINANCIAL MANAGEMENT SERVICES

THIS AGREEMENT is made and entered into this day of <u>December</u> 14, 2016 by and between the CITY OF DELTONA, a municipality of the State of Florida, whose address is 2345 Providence Boulevard, Deltona, Florida 32725, hereinafter called the "City" and Hawksley Consulting Inc., duly authorized to conduct business in the State of Florida, whose principal address is 777 South Harbour Island Boulevard, Suite 600, Tampa, Florida, 33602, hereinafter called the "Consultant".

**WHEREAS**, the City desires to obtain services related to conduct Water, Wastewater and Reclaimed Water Rate Study and Financial Management Services. The work generally involves all work as described in the Consultant's Proposal Exhibit A; and

WHEREAS, the Consultant desires to perform such services subject to the terms of this Agreement; and

**NOW, THEREFORE, IN CONSIDERATION** of the mutual terms, understandings, conditions, premises, covenants and payment hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

### Article 1. Recitals

1.1 The foregoing recitals are true and correct and incorporated herein by reference.

### **Article 2. Scope of Professional Services**

- 2.1 On the terms and conditions set forth in this Agreement, City hereby engages Consultant to conduct Water, Wastewater and Reclaimed Water Rate Study and Financial Management Services on an as needed basis.
- 2.2 The Consultant acknowledges and agrees that if the work is assigned to the Consultant, each individual project shall have a specific Scope of Services agreed to by the parties and a task order shall be executed by both parties. The task order shall include all necessary provisions including, but not limited to, setting forth the compensation payable, time for payment, deliverables, electronic and printed formats and any other items relevant to the task. The task order shall be signed by the parties prior to the Consultant performing any of the agreed upon work. All task orders shall be

reviewed and approved by the City in writing prior to the Consultant beginning any work on the assigned project or payment being made to the Consultant.

- 2.3 The term of this Agreement shall be for two (2) years with three (3) additional one (1) year renewal options by mutual agreement of the parties.
- 2.4 The services to be rendered by the Consultant shall include all labor, materials and incidentals necessary to perform all work indicated and specified in the relevant task order.
- 2.5 Consultant acknowledges that nothing herein shall be deemed to preclude the City from retaining the services of other persons or entities undertaking the same or similar services as those undertaken by the Consultant or from independently developing or acquiring materials or programs that are similar to or competitive with, the services provided under this Agreement.

## Article 3. Compensation

- 3.1 The City agrees to compensate Consultant for work performed, completed and accepted by the City's representative for services provided at a cost negotiated for a particular task order. Fees for any additional work needed will be agreed upon prior to any service being completed.
- **3.2** Payment for any and all invoices that may arise as a result of a purchase order issued pursuant to this specification shall minimally meet the following conditions to be considered as a valid payment request:
  - 3.2.1 A timely submission of properly certified invoices, in strict accordance with the prices and delivery elements as stipulated in the purchase order document, submitted to the Finance Department at the address stipulated on the Purchase Order.
  - 3.2.2 All invoices submitted shall consist of an original and one (1) copy; clearly reference the purchase order number; provide a sufficient salient description to identify goods or service for which payment is requested; contain date of delivery; original or legible copy of signed delivery receipt including both manual signature and printed name of a designated City employee or authorized Agent; and be clearly marked as "partial", "complete" or "final" invoice. The City will accept partial deliveries.
  - 3.2.3 The invoice shall contain the Consultant's Federal Employer Identification Number.
  - 3.2.4 The City's terms are "Net 30 Days" after acceptance of goods or services and receipt of an acceptable invoice as described herein. Any discounts must be offered Proposal in the relevant task order.

- 3.3 The Consultant shall not be entitled to payment for any other expenses, fees, or other costs it may incur at any time and in any connection with its performance hereunder other than those fees as stated above. The Consultant hereby agrees that the total cost, as stated above, is inclusive of all overhead and administrative expenses.
- **4.1** City shall promptly review the deliverables and other materials submitted by Consultant and provide direction to Consultant as needed. City shall designate one City staff member to act as City's Project Administrator and/or Spokesperson.
- 4.2 The City will provide to the Consultant all necessary and available data developed and/or within the possession of the City, and any other data the City possesses that would be useful to the Consultant in the completion of the required services. Consultant is entitled to reasonably rely upon the information, data and documents provided by the City, its representatives or from generally accepted sources without independent verification.

## **Article 5. Special Terms and Conditions**

- 5.1 Qualifications. Firms or individuals shall be registered with the State of Florida and have obtained at least the minimum thresholds of education and professional experience required by to perform the services contained herein.
- 5.2 <u>Termination.</u> This Agreement may be terminated by the City upon thirty (30) days advance written notice to the Consultant; but if any work is in progress but not completed as of the date of termination, then this Agreement may be extended upon written approval of the City until said work is completed by the Consultant and accepted by the City.
  - A. Upon notification to the Consultant of termination by the City, Consultant will immediately discontinue all services affected unless the notice directs otherwise.
  - B. Termination for Convenience. In the event this Agreement is terminated or cancelled upon the request and for the convenience of City, City shall reimburse Consultant for actual work satisfactorily completed.
  - C. Termination for Cause. If the termination of this Agreement is due to the failure of the Consultant to fulfill his contractual obligations, City shall reimburse Consultant for actual work satisfactorily completed, and City may take over the work and prosecute the same to completion by Agreement or otherwise.
  - D. In the event of termination of this Agreement, all work, reports, and other work product produced by Consultant in connection with the Agreement shall be returned to the City and become and remain the property of the City.
- **5.3** <u>Assignment</u>. This Agreement may not be assigned or transferred in any manner by Engineer without prior written authorization from the City.
- 5.4 <u>Insurance and Bond.</u> Consultant shall provide and maintain, during the entire term of this Agreement, without cost to the City, insurance in the following types and limits with a company

or companies authorized to do business in the State of Florida and rated "Class A" or better by A. M. Best or some other form of assurance approved by the City's Risk Manager. Consultant shall not commence work under the Agreement until City has received an acceptable certificate or certificates of insurance and endorsement evidencing the required insurance, which is as follows: Consultant shall not commence work under the Agreement until City has received an acceptable certificate or certificates of insurance and endorsement evidencing the required insurance, with the following minimum limits and coverage limits fully available during the entire contract period:

- (A) Professional liability (medical malpractice, engineers, architect, environmental, errors and omissions, etc.) insurance as applicable, with minimum limits of \$1,000,000. Professional liability insurance shall be maintained for at least one year from the termination of the Agreement.
- (B) General Liability insurance on forms no more restrictive than the latest edition of the Commercial General Liability policy (CG 00 01 or CG 00 02) of the Insurance Services Office or equivalent without restrictive endorsements, with the minimum limits and coverage of \$1,000,000 per occurrence; combined single limit for Bodily Injury Liability and Property Damage Liability. This shall include Premises and/or Operations, Independent Contractors, and Products and/or Completed Operations, and a Contractual Liability Endorsement.
- (C) Contractor/Consultant shall maintain automobile liability insurance with a limit of not less than \$1,000,000 combined single limit each accident; \$500,000 bodily injury per person; \$500,000 bodily injury per accident; \$300,000 property damage. Such insurance shall cover liability arising out of any auto, including owned, hired and non-owned autos. The policy shall be endorsed to provide contractual liability coverage.
- (D) Workers' compensation insurance in accordance with Florida Statute, Chapter 440, and/or any other applicable law requiring workers' compensation (Federal, maritime, etc).
- (E) Additional Requirements.
- (1) City of Deltona shall be <u>named and endorsed</u> as an additional insured on the General liability policy.
- (2) The General Liability policy is to contain or be endorsed to name the City, its officers, officials and employees as additional insureds as respects to the liability arising out of the activities performed under this Agreement. Such coverage shall be primary to the extent of Consultants negligent acts or omissions or willful misconduct, and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. In addition, a waiver of subrogation by the commercial liability insurer shall be provided that lists or names the additional

insured as subject to the waiver. Coverage shall be on an "occurrence" basis and not "claims made".

- (3) Certificates of insurance shall provide for a minimum of thirty (30) days prior written notice to the City of any material change or cancellation of the required insurance, with ten (10) day written notice of cancellation due to non-payment of premium.
- (4) Certificates of insurance shall identify the Bid number, contract, project, etc. in the Description of Operations section of the Certificate.
  - (5) Consultant shall be responsible for subcontractors and their insurance.
- (6) The Certificate holder section of each policy shall state: City OF DELTONA, 2345 PROVIDENCE BOULEVARD, DELTONA, FLORIDA 32725.
- (7) Consultant shall be solely responsible for all deductibles and self-insurance retention on Liability Insurance policies. All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be canceled, materially changed or renewal refused without thirty (30) calendar days written notice, or without ten (10) days written notice of cancellation due to non-payment of premium, being given to City by certified mail.
- 5.5 <u>Indemnity.</u> Consultant shall indemnify and hold City and its agents, officers, commission, or employees harmless for any damages resulting from failure of Consultant to take out and maintain the above insurance. Additionally, Consultant agrees to indemnify, defend and hold the City, and its officers, commission, employees and agents free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, professional and attorney fees, court costs, other expenses and liabilities to the extent resulting from the negligent act, error or omission of Consultant, its agents, employees or representative, in the performance of Consultant's duties set forth in this Agreement, including any act alleged to give rise to an action in inverse condemnation.
- 5.6 <u>Independent Contractor.</u> Consultant agrees that it shall be acting as an independent contractor and shall not be considered or deemed to be an agent, employee, joint venturer, or partner of City. Consultant shall have no authority to contract for or bind City in any manner and shall not represent itself as an agent of City or as otherwise authorized to act for or on behalf of City.

#### 5.7 Ownership of Deliverables.

(a) Title to all work product produced by Consultant pursuant to this Agreement shall be and remain the sole and exclusive property of City when produced. Consultant shall deliver all such original work product to City upon completion thereof unless it is necessary for Consultant,

in City's sole discretion to retain possession for a longer period of time.

- (b) The documents, reports, and similar materials provided or created by Consultant are public records and Consultant shall abide by applicable requirements of Florida law. Consultant shall notify the City within 24 hours of receiving the request to release the information concerning the subject project to a member of the media and/or to the public. The City's notification shall to the extent possible provide the name, date, time and type of information requested to be released prior to the Consultant's release or disclosure of information to the media or to the public.
- 5.8 <u>Confidentiality and Intellectual Property.</u> Each party shall keep all information and intellectual property rights provided by the other confidential and shall not disclose or transmit such information without the consent of the other. Methodologies, process know-how and other instruments of service used to prepare Deliverables shall remain the property of Consultant, including (without limitation) the financial analysis and management modeling system known as FAMS XL.
- 5.9 <u>Return of Materials.</u> Upon the request of the City, but in any event upon termination of this Agreement, Consultant shall surrender to the City all memoranda, notes, records, and other documents or materials pertaining to the services hereunder, that were furnished to the Consultant by the City pursuant to this Agreement. Consultant may keep copies of all work products for its records.
- 5.10 NO CLAIM FOR DAMAGES OR ANY CLAIM OTHER THAN FOR AN EXTENSION OF TIME SHALL BE MADE OR ASSERTED AGAINST THE CITY BY REASON OF ANY DELAYS. No interruption, interference, inefficiency, suspension or delay in the commencement or progress of the work from any cause whatsoever, shall relieve the Consultant of his duty to perform or give rise to any right to damages or additional compensation from the City. The Consultant expressly acknowledges and agrees that the Consultant shall receive no damages for delay. The Consultant's sole remedy, if any, against the City shall be the right to seek an extension to the contract time.
- **5.11** Retaining Other Consultants. Nothing herein shall be deemed to preclude the City from retaining the services of other persons or entities undertaking the same or similar services as those undertaken by the Consultant or from independently developing or acquiring materials or programs that are similar to or competitive with, the services provided under this Agreement.
- 5.12 <u>Accuracy.</u> The Consultant is responsible for the professional quality, technical accuracy, timely completion and coordination of all the services furnished hereunder. The Consultant shall, without additional compensation, correct or revise any errors, omissions or other deficiencies in its designs, drawings, reports or other services.
- 5.13 <u>Codes and Regulations.</u> All work completed under this Agreement shall at all times comply with all applicable federal, state and local statutes, codes, regulations and ordinances.

- 5.14 <u>Public Entity Crimes.</u> A person or affiliate who has been placed on the convicted vendor list following a conviction of a public entity crime may not be awarded or perform work as a contractor, supplier, subcontractor, or engineer under a contract with any public entity in excess of the threshold amount provided in Florida Statutes, section 287.017 for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.
- 5.15 Prohibition against Contingent Fees. Consultant warrants that they have not employed or retained any company or person, other than a bona fide employee working solely for the Consultant to solicit or secure this Agreement and that they have not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Consultant, any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award or making of this Agreement.
- **5.16** Public Records. The Consultant shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Consultant in conjunction with this Agreement. Specifically, the Consultant shall:
  - (a) Keep and maintain public records that ordinarily and necessarily would be required by the City in order to perform the service.
  - (b) Provide the public with access to public records on the same terms and conditions that the City would provide the records and at a cost that does not exceed the cost provided in state law or as otherwise provided by law.
  - (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
  - (d) Meet all requirements for retaining public records and transfer, at no cost, to the City all public records in possession of the Consultant upon termination of the Agreement and destroy and duplicate public records that are exempt or confidential and exempt from the public records disclosure requirements. All records stored electronically must be provided to the City in a format that is compatible with the information technology system of the City.
  - (e) IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (386) 878-8100, <a href="mailto:iraftery@deltonafl.gov">iraftery@deltonafl.gov</a>, 2345 Providence Blvd., Deltona, Florida 32725.

#### **Article 6. General Conditions**

- **6.1** This Agreement is made under, and in all respects shall be interpreted, construed, enforced, and governed by and in accordance with, the laws of the State of Florida. Venue for any legal action resulting from this Agreement shall lie solely in Volusia County, Florida.
- 6.2 No modification, amendment or alteration in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith. The City may make changes in the services at any time by giving written notice to Consultant. If such changes increase (additional services) or decrease (eliminate any amount of work) in the scope of work, City and Consultant shall modify the relevant task order through issuance of a change order. All change orders shall be authorized in writing by City prior to commencing or reducing any term of the relevant task order.
- 6.3 The captions utilized in this Agreement are for the purposes of identification only and do not control or affect the meaning or construction of any of the provisions hereof.
- **6.4** This Agreement shall be binding upon and shall inure to the benefit of each of the parties and of their respective successors and permitted assigns. Nothing in this Agreement is intended or shall be deemed to confer any rights or benefits upon any entity or person other than the parties hereto or to make or render any such other entity or person a third-party beneficiary of this Agreement.
- **6.5** This Agreement may not be amended, released, discharged, rescinded or abandoned, except by a written instrument duly executed by each of the parties hereto.
- 6.6 The failure of any party hereto at any time to enforce any of the provisions of this Agreement will in no way constitute or be construed as a waiver of such provision or of any other provision hereof, nor in any way affect the validity of, or the right thereafter to enforce, each and every provision of this Agreement.
- 6.7 During the term of this Agreement Consultant assures City that it is in compliance with Title VII of the 1964 Civil Rights Act, as amended, and the Florida Civil Rights Act of 1992, in that Consultant does not on the grounds of race, color, national origin, religion, sex, age, disability or marital status, discriminated in any form or manner against Consultant employees or applicants for employment. Consultant understands and agrees that this Agreement is conditioned upon the veracity of this statement of assurance.

#### Article 7. Severability

- 7.1 The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if such invalid or unenforceable provisions were omitted.
- 7.2 Wherever provision is made in this Agreement for the giving, service or delivery of any notice, statement or other instrument, such notice shall be in writing and shall be deemed to have

been duly given, served and delivered, if delivered by hand or mailed by United States registered or certified mail or sent by facsimile, addressed as follows:

If to Consultant:

Andrew Burnham

Director

777 South Harbour Island Bldv, Suite 600

Tampa, Florida 33602

If to City:

Matt Doan

Deputy Public Works Director

City of Deltona

2345 Providence

Blvd. Deltona,

Florida 32725

Each party hereto may change its mailing address by giving to the other party hereto, by hand delivery, United States registered or certified mail notice of election to change such address.

#### Article 8. Scope of Agreement

**8.1** This Agreement is intended by the parties hereto to be the final expression of their Agreement, and it constitutes the full and entire understanding between the parties with respect to the subject hereof, notwithstanding any representations, statements, or agreements to the contrary heretofore made.

**IN WITNESS WHEREOF,** the parties hereto have made and executed this Agreement for the purposes stated herein.

ATTEST:

CONSULTANT:

Bucke frecunt
Secretary

(CORPORATE SEAL)

President
Director

11-22-16

Date

ATTEST:

CITY OF DELTONA

JANE SHANG
City Manager

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Date

Coole GRETCHEN R.H. VOSE

Approved as to Form and Legality:

Chief City Attorney



# **City of Deltona**

2345 Providence Blvd. Deltona, FL 32725

# **Regular Commission Meeting**

# **City Commission**

Mayor John C. Masiarczyk Sr. Vice Mayor Chris Nabicht Commissioner Christopher Alcantara Commissioner Anita Bradford Commissioner Heidi Herzberg Commissioner Gary Mitch Honaker Commissioner Brian Soukup

Monday, December 12, 2016

6:30 PM

**Deltona Commission Chambers** 

- 1. CALL TO ORDER:
- 2. ROLL CALL CITY CLERK:
- 3. INVOCATION AND PLEDGE TO THE FLAG:
- Invocation Presented by Commissioner Herzberg

Background: At the Regular City Commission Meeting on Monday, October 17,

2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District

starting with District #1, #2, #3, #4, #5, #6 and the Mayor

- 4. APPROVAL OF MINUTES & AGENDA:
- A. Approval of minutes Regular Commission Meeting of November 21, 2016, as presented. Joyce Raftery, City Clerk (386) 878-8502.

Background: N/A

Attachments: November 21, 2016 Minutes

- 5. PRESENTATIONS/AWARDS/REPORTS:
- A. Proclamation Alberto Gómez-Gómez Day

Attachments: Alberto Gomez-Gomez

B. Recognition to Nina Ehmer, winner of the "My City: I'm Part of It, I'm Proud of It" photo contest

**Background:** Nina Ehmer's photo of the Lake Monroe boat launch was taken

around 5:30 p.m., Dec. 15, 2015, using an Olympus E3 Digital SLR with a 12-60 mm lens. Ehmer always had a "mild interest" in photography but became serious about in 2014 when she received her first digital camera. Ehmer says she liked the idea of not having to deal with film and the instant gratification of being able to view images right away. She began to look at other photographers' work online and began to read more about photography. She and her husband Howard live in the house they originally built here in Deltona on Lake Theresa in 1986. They live in a wooded environment that encourages a variety of wildlife. Her favorite subjects are birds, butterflies, and the resident family of sandhill cranes. The Ehmers have several butterfly and hummingbird gardens she also photographs. In late 2004, she began selling her photos at the New Smyrna Beach Farmers Market (usually happens October through April). To see more of her photos, visit ninaehmer.com.

Attachments: Nina Ehmer

C. Super Star Student of the Month Certificates for November 2016

#### Background:

Super Star Student of the Month awards for November 2016 will be presented to:

- 1. Deltona Lakes Elementary, Jadiel Cruz, 1st Grade
- 2. Discovery Elementary, William Marte, 5th Grade
- 3. Enterprise Elementary, Delaney Mullins, 2nd Grade
- 4. Forest Lake Elementary, Elisa-Rae Fantauzzi, 1st Grade
- 5. Friendship Elementary, Morgan Saavedra, 5th Grade
- 6. Pride Elementary, Shane LeeKam, Kindergarten
- 7. Spirit Elementary, Briana Gutierrez, 3rd Grade
- 8. Sunrise Elementary, Rece Watters, 2nd Grade
- 9. Timbercrest Elementary, Miguel Sanchez, 1st Grade
- 10. Deltona Middle, Danali Rivera, 8th Grade
- 11. Galaxy Middle, Kayla Crespo, 8th Grade
- 12. Heritage Middle, Leandra Morales, 8th Grade
- 13. Deltona High, Dayne Ford, 10th Grade
- 14. Pine Ridge High, Naiomi Latorre, 12th Grade
- 15. University High, Savannah Yilk, 12th Grade

Attachments: Nov 2016 Super Star Student Achievements

#### 6. CITY COMMISSION SPECIAL REPORTS:

7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

Citizen comments for any items. (4 minute maximum length per speaker)

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

#### 8. CONSENT AGENDA:

A. Approval of agreement with the County of Volusia for Municipal Transport

Program - Bill Snyder, Fire Chief (386) 575-6902

<u>Strategic Goal: Public Safety - pursue the ability of the City to be able to provide medical transport.</u>

#### **Background:**

The fire department has been working with the county to expand the current medical transport agreement. Our current agreement allows us to transport on a contingency basis. This means that if we arrive at the scene of a critical patient, determine there is an immediate need to transport and the County transport unit is more than 10 minutes away we can transport. The expansion would allow the city to participate in the county's PLUS (Peak Load Utilization System) This would allow the city to continue to transport on a contingency basis, but also allow us to transport on a primary basis when the county's system is overloaded and we are requested by A PLUS transport would occur when the county's the county. transport unit is going to have a long delay or they have no units available. They would then dispatch our rescue unit to transport on both emergency and non-emergency calls. This expansion would allow the fire department to be there for our citizens when the county Currently, the county will not entertain any system is overloaded. agreement that allows the city to transport as the primary unit except under the PLUS program. The county is working with the cities that currently provide medical transport to all come under the PLUS program agreement.

#### Attachments:

<u>Application for Municipal Transport</u>

**Business Associate Agreement** 

B. Request for Approval of AFG Matching Grant

#### Background:

The primary goal of the Assistance to Firefighters Grants (AFG) is to enhance the safety of the public and firefighters with respect to fire-related hazards by providing direct financial assistance to eligible fire departments, nonaffiliated Emergency Medical Services (EMS) organizations, and State Fire Training Academies (SFTA) for

critically needed resources to equip and train emergency personnel to recognized standards, enhance operations efficiencies, foster interoperability, and support community resilience.

This is a grant we apply for each year. This year we have applied for items in three categories: Equipment, Training, and Personal Protective Equipment. This year hazardous materials and chemical, biological, radiological, nuclear, and explosive (CBRNE) is a high priority for funding through FEMA. This being the case all of the items requested on the grant is for hazardous materials, technical rescue and/or CBRNE response. The total dollar amount we have requested for grant funding is \$397,308.00 with the city's matching contribution of 10% or \$39,731.00.

The requested equipment helps our special operations team become more in line with National Fire Protection Agency (NFPA) 471 Standard. Occupational Safety Health Administration the and Hazardous Materials standards. and other national standard and best practices requirements. This equipment is expensive and needed to improve the overall effectiveness and safety of the members of our special operations team.

The training money requested brings our members up to NFPA 472 requirements as hazardous materials technicians. Since our team is a State recognized Light Technical Rescue Team (LTRT) we can be deployed throughout the state after a natural disaster such as a hurricane, tornado, etc. This training averages about \$1500/person. This grant also covers training for structural collapse technicians which is necessary for our LTRT. Training props are also a part of the grant and affords our team members the ability to stay proficient in their hazmat skills as well as meet the mandatory recurrent training requirements of NFPA 472.

The personnel protective equipment brings us into compliance with the requirements of NFPA 1951 and 1999 for technical rescue and hazardous materials protective ensemble. Currently our team members are wearing their duty uniform which provides for limited protection against the environmental hazards during technical rescue special operations incidents.

special operations team responses to all special hazards operations. which includes hazardous materials. CBRNE. technical rescue events, within our local jurisdiction. We respond outside our jurisdiction providing special operations services to our surrounding communities. In the city of Deltona we have several special hazards in the city such as natural gas pipeline on the southern end of the city, Interstate 4, and fuel stations with high ethanol fuel. In the surrounding communities we have operating

power plants, CSX railways, Amtrac, and the St Johns River.

In order to proceed with the grant, we are requesting approval to proceed with submittal of the grant and the city approving 10% investment. We believe this will enhance the safety of our community and our members

and our members.

**Attachments:** AFG entire application 2016-special ops

C. Request approval of the budget amendment for the Saxon Stormwater Vault Pump Station (non-sewer), Matt Doan, P.E., Acting Public Works Director, (386) 878-8973.

#### Strategic Goal: Fiscal Issues

#### **Background:**

The Florida Department of Transportation (FDOT) is planning to implement improvements at the intersection of Interstate 4 (I-4) and Saxon Boulevard within the City of Deltona (City). The City intends to partner with the FDOT to capture and treat the runoff related to these improvements.

The City will design and permit a pump station and associated stormwater force main to divert the water to its regional water management site located at Alexander Avenue. The stormwater vault will be located at the northwest corner of the intersection of Saxon Boulevard and Finland Drive. The stormwater force main will connect to a newly constructed pump station in the stormwater vault and discharge at the Alexander Avenue Site approximately 2.75 miles away.

Funds are available in the Fund Balance.

#### Attachments:

SaxonVaultStormPS FM-Scope 112916

SaxonVaultStormPS TA 112916

**SW Budget Amendment** 

**D.** Request for approval of the Hawksley Consulting Inc. Agreement, Matt Doan, P.E., Acting Public Works Director, (386) 878-8973.

#### Strategic Goal: Fiscal Issues

#### **Background:**

In 2008 the City Commission approved Burton & Associates Inc. for Consulting Services for a Water, Wastewater and Reclaimed Water Rates and Charges Study in accordance with a City of Deltona RFQ#0841. This Study allowed for a review of the current rates and a determination of future rates. Staff received five responses to RFQ#0841. Burton and Associates Inc. was ranked the highest by the Selection Committee.

On October 24, 2012 the City Commission approved Resolution No. 2012-35 and directed Staff to hire a rate consultant for purposes of both fulfilling the need for a rate consultant for the upcoming Swaption refinance, as well as explore rate options that would bring relief to the current sewer customers. It was noted that The City of Plant City recently awarded a contract for a Water and Wastewater Rate Study to be completed by Burton & Associates Inc. through RFP 12-9466-001. As Burton & Associates Inc. conducted the original rate study for Deltona Water in 2008 and had also worked with the City's current Financial Advisor, FirstSouthwest, on previous occasions. Burton & Associates Inc. was contacted to determine if they can not only meet the needs required by FirstSouthwest, but also be flexible to try several alternative rate scenarios in an effort to provide relief to our sewer customers. Burton & Associates Inc. submitted a proposal, tailored to the City of Deltona, stating that they feel that they could meet our requirements and have preliminary results back within 60 days of receiving a notice to proceed and a full report completed within 90 days. Burton & Associates Inc. created a model that was able to provide "what if" scenarios that allow the City to explore different rate options and determine their results instantaneously. They also provide one on one meeting with City Staff and the City Commission also take place along with a presentation of the rate study update at a City Commission Workshop.

In 2015 and 2016 Burton & Associates Inc. provided the the same services via a proposal. The Proposal was tailored to the City of Deltona and Burton & Associates Inc. was used as a Standardized Vendor.

The City of Deltona would like to request the services of Burton and Associates Inc. a subsidiary of Hawksley Consulting for Water, Wastewater and Reclaimed Water Rate Study and Financial Management Services. A proposal has been submitted and attached as Exhibit A. We believe to seek out other firms to provide this service and future rate studies would be cost prohibitive; as new firms would need to essentially re-create a model from scratch whereas Hawksley Consulting Inc. only requires updating the parameters that are currently in place. Staff is requesting the approval of the agreement with Hawksley Consulting Inc. the successor in interest to Burton and Associates Inc. on an as needed basis for a period of two (2) years with three (3) additional one (1) year renewal options by mutual agreement of the parties.

Attachments: Financial Management Consulting Services Proposal 11.7

Hawksley Consulting Inc Agreement Final

Burton & Associates a subsidiary of Hawksley Consulting

E. Annual Renewal of STD/LTD Plans

Background: Short Term Disability and Long Term Disability plans are up for

annual renewal. Rates have not changed in 3 years. Recent claims history has dictated a rate change to the Short Term Disability rates.

Attachments: City of Deltona STD LTD Rates 2017

City of Deltona Experience 10-21-2016 uw 3yr
City of Deltona Experience 10-21-2016 uw 3yr A

#### 9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 28-2016, Amending Chapter 94, Impact Fees, of the Land Development Code, and the City's Impact Fee Schedule for Fire/Rescue, Parks, Transportation, and Law Enforcement, at first reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

<u>Strategic Goal: Other Priority Objectives Identified - Maintain a balanced budget, reserves, and investments.</u>

#### Background:

Chapter 163.31801. Florida Statutes (FS), allows local governments to levy impact fees to off-set "impacts" as a result of new growth. Specifically, the statutes list that impact fees are "to use in funding the infrastructure necessitated by new growth. Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction." The statute requires local governments to provide "notice no less than 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee." The second and final reading of the ordinance will comply with this law.

The City collects impact fees for increased intensity of land uses and has had moratoriums in the past to help businesses locate or expand within the City. With economic recovery, the City updated its impact fees for parks, fire rescue, law enforcement, and transportation fees (water and sewer impact fees are within Deltona Water). In 2007, the City had an impact fee study completed that created an extensive list of land uses and fees. Some development applications did not always match that adopted land use list. The series of adoptions of fees is included in the composite attachment (see attached).

In 2015, the City contracted Burton & Associates (Burton) to revisit the adopted impact fees and to create a simplified uniform land use list that reflects Deltona's land use pattern. The impact fees for fire/rescue and law enforcement were found to be comparable to local communities similar to Deltona and are recommended for adoption. The existing parks impact fee is higher than comparative communities and Burton recommends keeping the current parks fee. The proposed transportation impact fees from Burton for some land use categories is higher. The City Commission directed staff to revisit those fees and a comparative analysis was performed. The recommended impact fee schedule within the attached Ordinance 28-2016 is the result of that analysis. Where the Burton transportation fee was higher that average, the City's current fee is recommended to be kept for economic development. It is also recommended that City impact fees be reviewed at least every five (5) years to remain current and to minimize large increases. Finally, the Planning & Zoning Board reviewed Ordinance No. 28-2016 on November 16, 2016, and voted 5-0 (two members absent) for the City Commission to adopt the ordinance.

Attachments: Ord No. 28-2016 Impact Fees

Impact Fee Comparison Table
Existing Impact Fees Composite
Burton Impact Fee Study Report

B. Public Hearing - Ordinance No. 29-2016, Amending Chapter 102, Signs, of the Land Development Code, at first reading - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

<u>Strategic Goal: Public Safety - Sign ordinance amendment/rewrite the sign code.</u>

Background: At the November 28, 2016, the City Commission Workshop, the City

Commission discussed the proposed sign code and directed staff to meet again with the Deltona Business Alliance (DBA) on an updated sign code draft. Until that additional meeting with the DBA and

rewrite occurs, Ordinance No. 29-2016 shall not be heard.

Attachments: Ord No. 29-2016 Signs 111716

Staff Report

Typical Signage Presentation

C. Public Hearing - Ordinance No. 32-2016, Rezoning ±1.67 acres located at 3151 Howland Blvd. from C-2 (General Commercial) to C-1 (Retail Commercial), at first reading - Ron A. Paradise, Assistant Director, Planning and Development Services (386) 878-8610.

<u>Strategic Goal: Economic Development - focus on Howland Blvd. as a gateway</u> for commercial growth.

#### Background:

The subject property is known as the Jena Medical development (Jena Medical) complex and was used to house the Health Department offices. Jena Medical consists of three (3) office buildings surrounding by a parking lot. The facility now has vacant leasable area that has been difficult to fill. Therefore, the owner is requesting the property be rezoned from C-2 to C-1 to allow for a house of worship as a permitted use, which is interested in becoming a tenant. No daycare facility or other ancillary uses sometimes associated with churches are planned.

The requested C-1 zoning is consistent with the Comprehensive Plan, does not result in the creation of non-conforming uses and structures, and is compatible with existing commercial and institutional land uses (Deltona High School, four houses of worship) in the immediate area. For more information, including graphics, see the attached staff report. Through this action, the entire site is proposed to be rezoned.

#### Attachments:

Ord No. 32-2016 Jena Rezone

Staff Report Location Map

**Aerial Photo** 

Floodplain Map

**Future Land Use Map** 

**Existing Zoning** 

**Proposed Zoning** 

D. Request for approval to transfer funds and position from the Legal Department to the Building and Enforcement Services Department - Dale Baker, Deputy City Manager 386-878-8852.

Strategic Goal: Internal and External Communications

#### **Background:**

Originally the position who conducts lien searches and releases of liens was in the Building and Enforcement Services Department. In FY 10/11 the position was transferred to the Legal Department. With the upcoming retirement of Sheri Sallade we are proposing to transfer the position back to the Building and Enforcement Services Department along with the funding for the position. This transfer reduces the staffing level in the Legal Department by one (1) and increases the staffing level in Building and Enforcement Services by one (1). There is no net increase to the FY 16/17 budget as a result of the requested transfer.

<u>Attachments:</u> Resolution 2016-67 General Fund mid-year budget amend 2017-11

E. Request for Approval of Resolution No. 2016-68, Adopting the Facilities Plan,
Capital Financing Plan, Certified Minutes from the Public Meeting held on
November 15, 2016 and Authorizing submission of the Plan to the Florida
Department of Environmental Protection (FDEP) for the Alexander Avenue
Reclaimed Water Augmentation (known as Lake Monroe Project Phase 4A
and 4B) - Matt Doan, P.E., Acting Public Works Director (386) 878-8973

#### Strategic Goal: Infrastructure

#### **Background:**

As recently approved, the City of Deltona has entered into a cost share agreement with the St. Johns River Water Management District (SJRWMD) to secure available grant funding for the Lake Monroe Project Phase 4A and 4B.

The City of Deltona is seeking consideration for a low-interest State Revolving Fund (SRF) loan in the amount of approximately \$13,267,000 based upon preliminary planning estimates, to facilitate funding of this project. This action supports the City's intent to secure the lowest cost funding available.

Adopting Resolution No. 2016-68 authorizes the following: Adoption of the Facilities Plan dated October 2016; Capital Financing Plan; Certified Minutes from the Public Meeting held on November 15, 2016; authorizes the submission of the Plan to FDEP; and designates the authorized representative and provides an effective date.

#### Attachments:

Resolution No 2016-68 Alexander Ave Facility.pdf

Capital Financing Plan.pdf

Lake Monroe Public Information Meeting Nov 2016.pdf

Draft Facilities Plan - 112916

#### 10. OLD BUSINESS:

#### 11. NEW BUSINESS:

A. Request for approval of 2nd Amendment with Verizon Wireless for Land at Dewey Boster Park. CityScape, cell tower consultants. Jane K. Shang, City Manager (386) 878-8850

Strategic Goal: Fiscal Issues

#### **Background:**

This is an extension of the Site Agreement for Land with Verizon Wireless for a cell tower construction at Dewey Boster Park located at 1190 Saxon Blvd. This cell tower provides cell tower services to residents and businesses in the areas near the tower. The extension provides annual revenue to the City in the amount of Twenty-Five Thousand Nine Hundred and Twenty Dollars (\$25,920.00), with a 20% rent increase every five years. This agreement gives the City four (4) additional five (5) year renewal terms. This extension was negotiated by the City's cell tower consultant, CityScape. A representative of CityScape will be at the Commission meeting to discuss the extension and answer any questions anyone has regarding this agreement.

Attachments:

2nd Amendment Verizon Wireless
2000 Amendment to Site Agreement
1999 Memorandum of Site Agreement

**B.** Request for approval of First Amendment with T-Mobile South, LLC for Land and Co-Location on Tower located at Fire Station 63. CityScape, cell tower consultants. Jane K. Shang, City Manager (386) 878-8850.

#### Strategic Goal: Fiscal Issues

#### Background:

This is an extension of the site agreement for land and co-location with T-Mobile for the cell tower located at Fire Station 63 at 2147 Howland Boulevard near Dupont Lakes. This cell tower provides cell tower services to residents and businesses in the areas near the tower. The extension provides annual revenue to the City in the amount of \$22,812, with four (4) additional five (5) year renewal terms. Each year of the renewal term results in an increase in rent of three percent (3%) over the rent paid for the previous year. This extension was negotiated by the City's cell tower consultant, CityScape. A representative of CityScape will be at the meeting to discuss the extension and answer any questions anyone has regarding this agreement.

#### Attachments:

A2A0435A 1st Amendment Final Draft

2001 Agreement - Station 63 2011-2016 Renewal Letter

#### **C.** Request for City of Deltona funds.

#### **Background:**

The Commission discussed at several meetings the \$35,000 discretionary fund which could be provided to non-profit organizations who applied for them. The Commission directed staff to come up with an application and guidelines for this funding which has been done.

Attached is a request from the West Volusia Wolves JV Cheerleading Squad for City funds in the amount of \$2,500.00 to assist with event and travel expenses associated with the squad going to compete at the National level for Pop Warner.

Attachments: Request for City Funds

D. Public Hearing - Request for Approval of the Program Year 2015-2016 CDBG Consolidated Annual Action Performance and Evaluation Report (CAPER) -Ron Paradise, Assistant Director, Planning and Development Services, (386) 878-8610.

<u>Strategic Goal: Internal and External Communication - Conduct a needs</u> assessment for social services and communicate resources for public benefit.

#### **Background:**

The U.S. Department of Housing and Urban Development (HUD), requires the CAPER to be submitted annually to remain federal grant compliant. The CAPER is a summary of City activities accomplished under Title 24 of the HUD-funded Community Development Block Grant (CDBG) program. The CAPER report is formulated in accordance with the regulations governing consolidated submissions (24 CFR 91.520) administered by HUD. The main purpose of the CAPER is also to report the City's proper use of HUD funds for activities and projects accomplished within the HUD program year (PY). For this PY, the majority of the activities include park improvements and public services for enhance and serve the community.

The CAPER is associated with the CDBG Five-Year Consolidated Plan (CP) that establishes strategic goals for City CDBG activities listed in the Annual Action Plan (AAP). The current CP for PY 2013-2017 and the AAP is updated annually report implementation of the CP for grant compliance and consistency. The CAPER consists of narratives and tables documenting the proper spending of grant funds and highlights efforts made by the City to improve its quality of life. Finally, in accordance with the required citizen participation plan, the City has observed a 15-day public comment period and no comments were received verbally or in writing during the period. The PY 2015-2106 CAPER is attached.

Attachments: Program Year 2015-2016 Consolidated Annual Performance

- 12. CITY ATTORNEY COMMENTS:
- 13. CITY MANAGER COMMENTS:
- 14. CITY COMMISSION COMMENTS:

#### 15. ADJOURNMENT:

NOTE: If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.



# City of Deltona

# **Agenda Memo**

**AGENDA ITEM:** B.

**TO:** Mayor and Commission **AGENDA DATE**: 2/6/2017

FROM: Jane K. Shang, City Manager AGENDA ITEM: 10 - B

SUBJECT:

Thornby HERE- Proposed improvements to Thornby Park and its nature trail. Jerry Mayes, Economic Development Office, (386)878-8916.

Strategic Goal: Economic Development. Provide a strategic focused effort towards economic development throughout the City to enhance existing businesses and attract new businesses.

#### LOCATION:

N/A

#### **BACKGROUND:**

The City Commission requested additional information regarding grants and the process of obtaining grants for the proposed Thornby HERE project. City staff sought approval from the West Volusia Audubon Society to act as the grant agent for the City. The Memo Of Understanding (MOU) is a City developed product crafted by the Vose Law firm. The West Volusia Audubon Society has approved the MOU and the document now needs Commission approval.

The Commission also requested cost estimates for the Thornby HERE project. The consultant, Tetra Tech, has estimated trail improvements, as detailed in the attached document (\$229,000) and the City's Parks & Recreation Department has estimated the costs for the outdoor classroom (\$21,000).

#### COST:

\$250,000

#### **SOURCE OF FUNDS:**

Grants, and designated matching City funds

#### ORIGINATING DEPARTMENT:

City Manager

#### STAFF RECOMMENDATION PRESENTED BY:

Jerry Mayes, Economic Development Manager. Recommends approval of the Memo Of Understanding with the West Volusia Audubon Society, to seek available grants that are applicable for the Thornby HERE project and to begin any necessary preparatory work for grant eligibility as identified in the FY16/17 budget.

**AGENDA ITEM:** B.

#### **POTENTIAL MOTION:**

I move to approve the Memo Of Understanding with the West Volusia Audubon Society, to seek available grants that are applicable for the Thornby HERE project and to begin any necessary preparatory work for grant eligibility as identified in the FY16/17 budget.

# THORNBY HERE- COST FOR OUTDOOR CLASSROOM CONSTRUCTION

- Engineered Wood Fiber (Surface) \$ 10,250
- Benches 12 each @ \$ 250. X 12 \$ 3000
- Wall \$ 2,500
- Mulch \$ 1,700
- Equipment Costs Bush Hog (rental \$ 100.00 per day) 4 days \$ 400.00
- Personnel costs \$ 3,000

Total \$ 20,850 (\$21,000)



January 11, 2017

Mr. Jerry Mayes Economic Development Manager City of Deltona Deltona Municipal Complex 2345 Providence Blvd. Deltona, FL 32725

**Subject:** Professional Engineering Services Proposal

**Thornby Park Boardwalk and Trail Improvements** 

Tt # 200BP Deltona

Dear Mr. Mayes:

Tetra Tech is pleased to furnish this proposal for professional engineering services to assist the City of Deltona with design, bidding and construction services for the proposed Thornby Park Boardwalk and Trail Improvements project. A detailed scope of services, compensation summary, and project schedule are attached hereto.

Tetra Tech looks forward to providing these services to you. Should you have any questions, please do not hesitate to contact me at 407-839-3955.

Very truly yours,

Tetra Tech

Timothy A. Vanderwalker, P.E.

**Project Manager** 

Attachments

TAV/ab/Thornby Park Boardwalk and Trail Improvements/Mayes\_011117



# ATTACHMENT A THORNBY PARK BOARDWALK AND TRAIL IMPROVEMENTS CITY OF DELTONA, FLORIDA

#### I. PROJECT DESCRIPTION AND EXECUTIVE SUMMARY

The City desires to provide improvements to the existing walking trail within a natural area, which is accessed from Thornby Park. The trail begins west of the playground area, follows the western fence that encloses the stormwater pond, commences in a westerly direction along the Old Taylor Road, follows the western side of a natural creek bank, crosses the creek, and terminates at the park entrance driveway. The improvements consist of wooden boardwalk totaling approximately 380 linear feet (LF), 75 LF of which will be creek or swale crossings, an observation deck approximately 150 square feet in area, and fence totaling approximately 760 LF. Based on the conceptual program of proposed improvements provided by the City, the preliminary opinion of probable construction costs is \$200,000 for the work described.

The City, in conjunction with Volusia County and the Forever Florida Program, have developed the scope of the improvements based on improving the accessibility of the walking trail and minimizing the environmental impacts of the improvements.

Professional services will be provided in accordance with the Continuing Consulting Agreement titled <u>Agreement Between City of Deltona and Tetra Tech, Inc. For On-Call Stormwater Engineering Services dated April 6, 2016.</u>

Tetra Tech will deliver to the City as the technical product of this fee proposal the following documents:

- A. A route survey along the boardwalk and fence areas.
- B. Ecological services to determine the environmental impacts of the improvements.
- C. A set of construction drawings and technical specifications.
- D. A St. Johns River Water Management District Environmental Resource General Permit application that will be submitted for review by District staff.

The lump sum fee for the services defined herein is \$24,868. A breakdown of this fee is provided at the end of this proposal.

Below is a detailed scope of the professional services Tetra Tech will provide to the City:

#### II. SCOPE OF SERVICES

#### 1. Surveying Services

- A. Conduct a route survey of the trail along the existing alignment. This covers a total length of approximately 1,300 feet and an approximate width of 10 feet.
- B. Our surveyors will obtain one-foot topographic data along the trail and in the area of the overlook.
- C. Survey work will comply with "Minimum Technical Standards" established by the State of Florida.

#### 2. Ecological Services

Within the limits of the proposed improvements, Tetra Tech will conduct the following:

- A. A wetland delineation by field flagging within the limits of the area of the proposed creek crossings.
- B. Prepare the environmental narrative and complete the ERP tables for the SJRWMD permit application.

#### 3. Design and Permitting Services

The professional services for this phase of work will consist of the following:

#### A. Prepare Drawings

- i. Prepare a set of construction drawings for the improvements. A preliminary list of sheets that will be provided in the drawings is as follows.
  - a. Cover Sheet
  - b. General Notes
  - c. Existing Conditions and Erosion and Sedimentation Control (4 sheets)
  - d. Site Plans (1"=10' Scale) (4 sheet included)
  - e. Cross Sections and Details (2 sheets included)

- ii. 60% complete design and submittal including engineer's opinion of probable cost and project manual containing a draft of the technical specifications. The City will provide the front-end documents that will be included in the project manual.
- iii. 100% complete design submittal will include an updated engineer's opinion of probable cost and project manual.

#### B. Lakeshore Ecological Tourism Sign Package

Tetra Tech will provide design services for a signage package as a part of the Lakeshore Ecological Tourism Destination Project. Sign package will include a maximum of 53 individual signs, no larger than 12"x24" each, and comprising seven (7) historical, six (6) wayfinding, ten (10) caution, and 30 ecological information signs. Initial design concepts will be provided by the City. Tetra Tech will submit draft designs for review and comment. Final designs will incorporate the City's comments and be included in the Thornby Park Boardwalk drawings for fabrication and installation by Contractor.

#### C. Permitting

Tetra Tech will complete the following permitting services:

i. Prepare the permit application for Intent to Use an Environmental Resource General Permit including response to check list questions and preparing the associated maps and figures. City to pay application fees.

#### D. Bidding Services

- i. Furnish the City with a "master set" of construction documents in electronic format, as well as 22" x 34" full scale drawings and a "master set" of technical specifications for use in reproducing individual bidding packages. If the City directs Tetra Tech to issue bidding documents to prospective bidders, the documents will be sold at a cost necessary to recover printing, shipping, and handling expenses. The City will also be provided five (5) copies of the "master set" of construction documents with copier reproducible 11" x 17" scaled half size drawings for internal use.
- ii. Prepare for and attend one (1) pre-bid conference.
- iii. Prepare and issue addenda, as approved by the City, containing clarifications or technical revisions that become apparent during bidding.

- iv. Attend the bid opening, evaluate the low bidder's qualifications for performing the work, and provide recommendations regarding contract award.
- v. Conform the construction documents at the end of the bidding phase to reflect any changes to the project design, construction drawings or specifications reflected in addenda.

#### E. Construction Administration

Construction administration services will be performed for the project. The following tasks are based on a Contractor being mobilized for construction for a duration of 4 weeks.

- i. Tetra Tech will attend and conduct a preconstruction conference with the Contractor, subcontractors, and City personnel and provide preconstruction assistance to the City and Contractor.
- ii. Conduct site visits to the construction site to observe construction of the project and attend project meetings. It is assumed that the project site visits will occur in coordination with progress meetings. The site visits will observe the progress and quality of the construction and its general conformance to the Contract Documents. Up to two (2) meetings will be attended.
- iii. Provide interpretation or clarification of the design documents when requested for clarification of the Contract Documents.
- iv. Review draft applications for payment and supporting documentation.
- v. Review shop drawings and other required Contractor submittals up to two (2) times per submittal for general conformance with the Contract Documents.
- vi. Conduct substantial completion site visit and develop a punch list of items to be corrected by the Contractor.
- vii. Conduct one (1) final completion inspection to determine if the punch list items have been completed in accordance with the Contract Documents.
- viii. Prepare one (1) set of electronic documents on CD and two (2) sets of prints of record drawings for the Owner, incorporating those changes made during construction based on record information furnished by the Contractor in an AutoCAD format.
- ix. Engineer's certification to SJRWMD for permit closeout.

#### III. Reimbursable Expenses and Other Direct Costs

1. Production expenses for reproduction of up to ten (10) copies of the construction drawings and four (4) copies of the technical specifications (including the 60 and 100% completion milestones). This also includes six (6) copies permit application.

- **2.** Other direct costs.
- **3.** Mailings and overnight deliveries.

#### IV. Assumptions

- 1. All subsurface design (boardwalk foundation, including soil conditions and length of piles) will be the requirement of the Contractor.
- **2.** Preliminary opinion of probable construction costs may vary up to 30% at the stage of planning for the proposed improvements.

#### V. Anticipated Schedule

Activity	Days From Notice to Proceed
Notice to Proceed	0
Ecological	14
Surveying	21
Design and Permitting	42 <sup>(1)</sup>
Bidding Services	70
Construction Administration	140

<sup>(1)</sup> Permit application will be submitted.

#### VI. Compensation Summary

The total lump sum compensation for the Scope of Services described in Sections II and III above is \$24,868. The compensation will be invoiced on a Time and material basis billed monthly using the rates in our continuing consultant agreement.

Tasks		To	otal Cost
Surveying	_	\$	5,151
Ecological		\$	1,650
Design and Permitting Services		\$	10,457
Bidding Services		\$	1,917
Construction Administration		\$	5,253
Reimbursables and ODCs		\$	440
	Sub-Total	\$	24,868

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Thornby Park Boardwalk																		
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Submitted to: City of Deltona (Attn: Jerry Mayes)																		
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	Total Labor Hrs	Admin Project A	Struct Structural Engine (Coats, Andy)	Civil Sr. Project Man (Rod Cashe)	Project Manager (Tii Vanderwalker)	Engineer 2 (Mike Thatcher)	CAD Design Davalos)	CAD Design Milks)	Project Engineer ; James Warner)	Sr Land Si Lawrence	Survey Crew ( (Woodard)	Surveying Speciali (Niarchos)	Labor	Subs	Travel Ma	t'ls & Equip	ODCs	Task Pricing Totals
Project Phases / Tasks	232			1	30	33	16	76	3	4	20	20	22,503	1,650	275	-	440	24,868
Surveying Services	52	-	-		-	-	-	8	-	4	20	20	4,876	-	275	-	-	5,151
Ecological Services	-		-	-	-	-	•	•	-	-	-	-	-	1,650	-	-	-	1,650
Design and Permitting Services	104	-	4	1	14	12	16	54	3	-	-	-	10,457	-	-	-	-	10,457
Bidding Services	20	8	-	-	8	-	-	4	-	-	-	-	1,917	-	-	-	-	1,917
Construction Administration	56	17	-	-	8	21	-	10	-	-	-	-	5,253	-	-	-	-	5,253
Reimbursables	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	440	440
Totals	232	25	4	1	30	33	16	76	3	4	20	20	22,503	1,650	275	-	440	24,868





#### **MEMORANDUM OF UNDERSTANDING**

**THE PARTIES TO THE MEMORANDUM OF UNDERSTANDING** ("MOU") are the City of Deltona, a Florida municipal corporation, ("Deltona"), and the West Volusia Audubon Society, Inc., a Florida not for profit corporation, ("Audubon"). The purpose of this MOU is to set forth terms and conditions under which Deltona and Audubon can cooperate in fulfilling common goals of both entities.

WHEREAS, Deltona and Audubon have certain common goals which include the preservation of important scrub jay habitat, the education of the public as to the importance of the preservation of natural resources and wildlife, and the encouragement of eco-tourism consistent with the goals of Audubon and Deltona; and

WHEREAS, Deltona and Audubon recognize that there is a mutual advantage in working together to accomplish certain goals common to both entities;

NOW, THEREFORE, it is agreed between Deltona and Audubon as follows:

- 1. **Recitations.** The recitations above are a part of this MOU.
- **2. Grants and Donations.** Deltona and Audubon will work together to apply for and obtain grant funds and donations that will benefit both of the parties to this MOU. Grant applications under this MOU shall only be submitted if both parties agree to such submission.
- 3. <u>Funds.</u> Once funds are acquired through a grant or donation for which the parties have cooperated, such funds shall be held by Audubon in a bank sub-account that segregates such funds. Audubon will keep accurate records of funds that are deposited and disbursed from that sub-account and shall make those records available to Deltona upon the request of Deltona. Disbursements from such sub-account shall only be upon the direction of the Finance Director of Deltona. Audubon will not be responsible for completion of any work order forms, shipping orders or other like paperwork and will only be responsible for disbursing funds to payees/vendors as instructed by the Finance Director of Deltona.
- 4. <u>Assistance with paperwork.</u> Deltona will provide assistance to Audubon when requested in the completion of grant applications, and the completion of any required forms or paperwork required during the pendency of any grant, or to fulfill reporting requirements after the end of any grant.
- 5. <u>Cancellation.</u> This MOU may be cancelled by either party upon thirty (30) days written notice to the other party; provided, however, that Audubon's responsibilities regarding the handling of funds already in its sub-account shall survive the cancellation of this MOU.
- 6. **Notices.** Notices under this MOU shall be effective upon personal delivery or five (5) days after the placing of such notice in the U.S. Mail, postage prepaid to the following addresses:

	City Manager		
	City of Deltona		
	2345 Providence Boulevard		
	Deltona, Florida 32725		
	With a copy to:		
	Gretchen R. H. Vose, City Attor	ney	
	324 W. Morse Blvd.		
	Winter Park, Florida 32789		
If to Audubon:			
	West Volusia Audubon Society,	Inc.	
	P.O. Box 1268		
	Deland, Florida 32721-1268		
	With a copy to:		
This NA concerns divine	of the denotes discovered	lioto this day of	
2017.	of Understanding was entered	Tinto this day of	
West Volusia Audu	bon Society, Inc.	City of Deltona, Florida	



# City of Deltona

### **Agenda Memo**

AGENDA ITEM: A.

**TO:** Mayor and Commission **AGENDA DATE:** 2/6/2017

**FROM:** Jane K. Shang, City Manager **AGENDA ITEM:** 11 - A

**SUBJECT:** Approval to allow County to cohabitate at Station 64

LOCATION: Station 64

#### **BACKGROUND:**

Volusia County is renovating their fire station in Osteen. During the renovation they have requested to move one of their crews to Station 64 on Fort Smith Boulevard. If approved, this cohabitation would start in March for a duration of approximately four to six months. During this time the county would move one of their engines and a crew of two into our facility. Our legal department is preparing a hold harmless agreement for the county to sign to indemnify the city from liability while they occupy our station. They would look to move to Station 64 sometime in March and would be there for approximately four to six months.

The benefits to this would be relationship building between our two agencies and the crews that would be involved. Both crews would be able to see how things are done in each of the others agencies. We would also have a second engine crew that would be able to respond in our area when they are in quarters. This would be helpful when our crew is on another call, in training or on large incidents. The crews would also be able to train together and share operating procedures which would help when operating on emergency incidents in the future.

The challenges to this would be that we would have to move some equipment and furniture around to accommodate the second crew. The county would have to move some of their computer equipment into the station. There would most likely be a slight increase in the utility bills for the station. Lastly, there is limited parking at the station so crews would have to jockey cars around in the morning at crew change.

Overall this move will help build a stronger relationship between our two agencies. The county would bear any major costs associated with this endeavor.

#### COST:

County to incur major moving costs.

Projected city cost would be an increase in utility bills and IT and Fire Department staff time (Approximately \$100 per month increase in Utility bills for six months)

#### SOURCE OF FUNDS:

County and Fire Department

#### **AGENDA ITEM:** A.

#### **ORIGINATING DEPARTMENT:**

**Deltona Fire Department** 

#### STAFF RECOMMENDATION PRESENTED BY:

Fire Chief Bill Snyder - Recommends approval to allow County to cohabitate at Station 64.

#### **POTENTIAL MOTION:**

"I move to approve the County to cohabitate at Station 64 during the renovation at the Osteen Fire Station"

# HOLD HARMLESS AGREEMENT BETWEEN THE CITY OF DELTONA AND THE COUNTY OF VOLUSIA

This agreement is between the City of Deltona, hereinafter, called CITY, a Florida Municipal Corporation, and the County of Volusia, herein, called COUNTY, a political subdivision of the State of Florida.

WHEREAS, the CITY and COUNTY entered into this agreement for the purpose of the CITY providing facility space located at Fire Station 64 located at 236 Fort Smith, Blvd., Deltona, Florida to the COUNTY for a period not to exceed six (6) months while the COUNTY is renovating their Fire Station located in Osteen, Florida.

WHEREAS, this agreement will commence on the date of the final signature for a period not to exceed six (6) months and shall terminate upon (30) days written notification by either the CITY or COUNTY. Both parties understand that this agreement may be modified or revised through written amendments, or by mutual consent.

WHEREAS, this agreement may not be assigned or transferred in any manner by COUNTY and any such assignment is expressly prohibited. Any attempt to assign this Agreement shall render this Agreement null and void.

WHEREAS, COUNTY shall provide and maintain, during the entire term of this Agreement, without cost to the City, insurance in the following types and limits with a company or companies authorized to do business in the State of Florida and rated "Class A" or better by A. M. Best or some other form of assurance approved by the City's Risk Manager. COUNTY shall not commence to utilize the facility under the Agreement until City has received an acceptable certificate or certificates of insurance and endorsement evidencing the required insurance, which is as follows:

(A) General Liability insurance on forms no more restrictive than the latest edition of the Commercial General Liability policy (CG 00 01 or CG 00 02) of the Insurance Services Office or equivalent without restrictive endorsements, with the following minimum limits and coverage available limits fully available during the entire contract period:

General Liability	
Each Occurrence/General Aggregate	\$1,000,000
Products-Completed Operations	\$1,000,000
Premises Operation	\$1,000,000

Personal & Adv. Injury	\$1,000,000
Professional Liability	\$1,000,000
Blanket Contractual Liability	\$1,000,000
Fire Damage	\$50,000
Medical Expense	\$5,000

(B) Automobile liability insurance, including owned, non-owned and hired autos with the following minimum limits and coverage:

Combined Single Limit	\$1,000,000
Or	
Bodily Injury (per person)	\$1,000,000
Bodily Injury (per accident)	\$1,000,000
Property Damage	\$100,000

(C) Workers' compensation insurance in accordance with Florida Statute, Chapter 440, and/or any other applicable law requiring workers' compensation (Federal, maritime, etc).

#### (D) Additional Requirements:

# (1) City of Deltona shall be <u>named and endorsed</u> as an additional insured on the General liability policy.

- (2) The General Liability policy is to contain or be endorsed to name the CITY, its officers, officials and employees as additional insureds as respects to the liability arising out of the activities performed under this Agreement. Such coverage shall be primary to the extent of COUNTY negligent acts or omissions or willful misconduct, and shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. In addition, a waiver of subrogation by the commercial liability insurer shall be provided that lists or names the additional insured as subject to the waiver. Coverage shall be on an "occurrence" basis and not "claims made".
- (3) Certificates of insurance shall provide for a minimum of thirty (30) days prior written notice to the CITY of any material change or cancellation of the required insurance, with ten (10) day written notice of cancellation due to non-payment of premium.
- (4) The Certificate holder section of each policy shall state: City OF DELTONA, 2345 PROVIDENCE BOULEVARD, DELTONA, FLORIDA 32725.

(5) COUNTY shall be solely responsible for all deductibles and self-insurance retention on COUNTY Liability Insurance policies. All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be canceled, materially changed or renewal refused without thirty (30) calendar days written notice, or without ten (10) days written notice of cancellation due to non-payment of premium, being given to City by certified mail.

WHEREAS, COUNTY shall indemnify, defend and hold harmless CITY, it's officers and employees, from liabilities, damages, losses and costs, including, but not limited to reasonable attorney's fees, to the extent caused by the negligence, reckless, or intentional wrongful misconduct of COUNTY and persons employed or utilized by COUNTY in the performance of this agreement. This indemnification shall survive the term of this agreement. In addition, any act to give rise to an action in inverse condemnation shall be subject to the same indemnification.

WHEREAS, COUNTY shall allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Florida Statutes, and made or received by the Contractor in conjunction with this Agreement. Specifically, the COUNTY shall:

- (a) Keep and maintain public records that ordinarily and necessarily would be required by the City in order to perform the service.
- (b) Upon request of the City's custodian of public records, provide the City with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in state law or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the contractor does not transfer the records to the City.
- (d) Meet all requirements for retaining public records and transfer, at no cost, to the City all public records in possession of the Contractor upon termination of the Agreement and destroy and duplicate public records that are exempt or confidential and exempt from the public records disclosure requirements. All records stored electronically must be provided to the City in a format that is compatible with the information technology system of the City.

(e) IF THE COUNTY HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE COUNTY'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (386) 878-8100, <a href="mailto:iraftery@deltonafl.gov">iraftery@deltonafl.gov</a>, 2345 Providence Blvd., Deltona, Florida 32725.

IN WITNESS WHEREOF, the parties hereto have made and executed this Agreement for the purposes stated herein.

ATTEST:	COUNTY OF VOLUSIA, a political subdivision Of the State of Florida
JAMES T. DINNEEN County Manager	ED KELLEY, Chair County Council
	Date
ATTEST:	CITY OF DELTONA, a Florida municipal corporation
JANE K. SHANG City Manager	JOHN C. MASIARCZKY, SR., Mayor City Commission
	Date



# City of Deltona

#### **Agenda Memo**

AGENDA ITEM: B.

**TO:** Mayor and Commission **AGENDA DATE:** 2/6/2017

FROM: Jane K. Shang, City Manager AGENDA ITEM: 11 - B

#### SUBJECT:

Affirmation by the City Commission of two (2) re-elected representatives from the firefighters' pension members by the firefighters' pension members which is done by ballot - Joyce Raftery, City Clerk Department (386) 878-8502.

Strategic Goal: Internal and External Communication

#### LOCATION:

N/A

#### **BACKGROUND:**

Per Chapter 46 of the City of Deltona Code of Ordinances, specifically Section 46-28 - Board of Trustees (below), a request for member nominations was distributed requesting self nomination for the two (2) member appointed seats and the only two (2) received were from the current members Kurt Vroman and John Fleemin.

Per Chapter 46 of the City of Deltona Code of Ordinances, specifically Section 46-28 - Board of Trustees:

(a) The sole and exclusive administration of and responsibility for the proper operation of the plan and for making effective the provisions of this article are hereby vested in a board of trustees. The board is hereby designated as the plan administrator. In the city, there is hereby created a board of trustees of the fund, which shall be solely responsible for administering the fund. The board shall consist of five members, two of whom, unless otherwise prohibited by law, shall be legal residents of the city who shall be appointed by the governing body of the city, and two of whom shall be full-time firefighters as defined in F.S. 175.032+, who shall be elected by the majority of the active firefighters\* who are participants in the plan.

#### COST:

N/A

#### SOURCE OF FUNDS:

N/A

#### **ORIGINATING DEPARTMENT:**

City Clerk's Department

#### AGENDA ITEM: B.

#### STAFF RECOMMENDATION PRESENTED BY:

Joyce Raftery, City Clerk - That the Commission affirms the two (2) re-elected representatives from the firefighters' pension members, Kurt Vroman and John Fleemin, by the pension members for a four (4) year term to expire on January 15, 2021.

#### **POTENTIAL MOTION:**

"I move to affirm the two (2) re-elected representatives from the firefighters' pension members, Kurt Vroman and John Fleemin, by the pension members for a four (4) year term to expire on January 15, 2021."

# City of Deltona, Florida <u>FIREFIGHTERS' PENSION PLAN, BOARD OF TRUSTEES</u>

James Koczan Chairman 2050 Lakebreeze Way Deltona, FL 32738 Phone: (386) 860-0737 Email: jkoczan@cfl.rr.com	Appointed By Board	Appointed Date 01-15-08 01-19-10 01-21-14	Term Expiration 01-15-18
Janet Deyette 2451 Timbercrest Dr. Deltona, FL 32738 Phone: (386) 574-8053 Email: deyette@earthlink.net	City Commission	09-03-13 01-03-17	01-15-21
Eugene "Gene" Gizzi 751 Brechner Terrace. Deltona, FL 32738 Phone: (386) 575-2555 Email: genegizzi@cfl.rr.com	City Commission	12-16-13 01-03-17	01-15-21
John Fleemin III 1685 Providence Blvd. Deltona, FL 32725 Phone: (386) 316-0757 Email: jfleemin@deltonafl.gov	Member Elected	05-03-15 01-15-17	01-15-21
Kurt Vroman 166 Wildwood Dr. Debary, FL 32713 Phone: (386) 235-6765 Email: kurtvro@yahoo.com	Member Elected	12-12-09 12-11-12 01-15-17	01-15-21

# <u>Plan Administrator:</u>

Lisa Spriggs 135 Williams Avenue Orange City, FL 32763

(386) 775-7489

Email: <a href="mailto:slspriggs@embarqmail.com">slspriggs@embarqmail.com</a>



# City of Deltona

# **Agenda Memo**

**AGENDA ITEM:** C.

**TO:** Mayor and Commission **AGENDA DATE**: 2/6/2017

FROM: Jane K. Shang, City Manager AGENDA ITEM: 11 - C

SUBJECT:

Discussion: Termination of City Residential Construction Mitigation Program (RCMP) - Ron A.

Paradise, Assistant Director, Planning and Development Services, (386) 878-8610.

Strategic Goal: Fiscal Issues, other grants as approved by the City Commission.

#### LOCATION:

Citywide

#### **BACKGROUND:**

The City of Deltona has a Local Housing Assistance Plan (LHAP) that outlines how the City will spend affordable housing funds that it receives. The LHAP limits resources to spend on very low and low income applicants that need assistance for basic repairs for their homes that they otherwise could not afford. In April 2015, the City was afforded an opportunity to offer home repair to moderate income applicants not in the LHAP. The Residential Construction Mitigation Program (RCMP) grant through the State of Florida program was approved by the City Commission in April 2015 and went under contract in December 2015 through Resolution No. 2015-09.

From its inception, the RCMP has not been an efficient program within the City from the benefit cost analysis (BCA) low indices below the program threshold, the review of proposed improvements from the State, the bids from City contractors, and the applicable expenditures for repair. The RCMP is designed to harden structures for wind mitigation. While the CDBG, SHIP, and NSP programs have applied housing assistance throughout the City successfully, the RCMP has not been as applicable to operate.

In communication with the State Florida Division of Emergency Management (DEM), the result of the process to make the program work for Deltona is that separation from the program is mutually agreeable (see attached e-mail). This is also verified through the low BCA scores. The City has thus noticed the eight (8) applicants associated with the RCMP. Of eligible moderate income applicants from the RCMP, they will be transferred to the SHIP Disaster Mitigation/Recovery Assistance if their repairs meet that program criteria, which allows for moderate income expenditures. The attached spreadsheet documents the status of the RCMP applicants and efforts to assist eligible applicants through the SHIP Disaster Mitigation/Recovery Assistance strategy. Staff will return to the Commission in the future if a satisfactory resolution cannot be reached.

#### COST:

N/A

#### AGENDA ITEM: C.

#### SOURCE OF FUNDS:

Residential Construction Mitigation Program

#### **ORIGINATING DEPARTMENT:**

Planning and Development Services

#### STAFF RECOMMENDATION PRESENTED BY:

Ron A. Paradise, Assistant Director, Planning and Development Services - Staff recommends that the City Commission supports the removal of the Residential Construction Mitigation Program and allows City staff to apply other grant assistance to moderate income applicants in applicable programs, as eligible.

#### POTENTIAL MOTION:

"I hereby move to support the removal of the Residential Construction Mitigation Program and allow City staff to apply other grant assistance to moderate income applicants in applicable programs, as eligible."

Applicant	Address	Income Status	Repair Summary	Current Status	Future Actions	Notes
Cain, Josephine and Thomas	1365 Azora Drive	Moderate	Roof, porch, columns, window(s), garage door, patio door, front door.	Attempt to transfer to SHIP Disaster	Insurance claim has been made; waiting for adjuster report to take future actions. Could take up to 30 days to get report.	
Corwin, Daryl/Chartland, Patricia	1979 Stacey Circle	Low	Roof, windows	Transfer to SHIP Disaster	Need to file with insurance	
Ducat, Lori and Leonard	649 Applegate Terrace	Middle	House needed extensive work and had uncertified shutters; not appropriate for RCMP	Application was terminated in April of 2016	None	
Farina, Shirley	1176 Brickell Drive	Moderate	Windows; garage door	No hurricane damage cannot transfer	None	House has a good roof (2014) and is in good shape. Did not sustain damage from Mathew
Gonzalez, Raquel	1809 Urbana Drive	Moderate	Doors and windows; garage door	Transferred to SHIP Disaster and applicant has made an insurance claim	Based on insurance claim, work on windows and doors	Applicant has obtained three quotes staff should review soon
Potter, Lisa and Wayne	180 Glencove Drive	Middle	House needs roof and other deferred maintenance oriented work	Applicants are not income eligible - too much income	None	
Robles, George	2410 Duval Avenue	Moderate	House needs roof work	Transferred to SHIP Disaster and has made an insurance claim	Based on insurance claim, replace roof.	Applicant has obtained quotes to replace the roof and quotes are being reviewed by staff
White, Shirley	1431 Saxon Boulevard	Moderate	Roof work needed	Transferred to SHIP Disaster and has made an insurance claim	Based on insurance claim, replace roof	Applicant is in the process of obtaining quotes to replace the roof

#### **Chris Bowley**

To:

Chris Bowley

Subject:

RE: Phone call 1/25/2017, RCMP

From: Ron Paradise

Sent: Wednesday, January 25, 2017 4:02 PM To: Chris Bowley <CBowley@deltonafl.gov> Subject: FW: Phone call 1/25/2017, RCMP

From: Pettus, Jason [mailto:Jason.Pettus@em.myflorida.com]

Sent: Wednesday, January 25, 2017 2:54 PM

To: Ron Paradise

Subject: Phone call 1/25/2017, RCMP

Good afternoon Mr. Paradise,

I just wanted to follow up on our phone call this afternoon. I understand that there will be a meeting on February 6<sup>th</sup>, to determine whether town leadership will sign off on decoupling the RCMP funds from the City. I appreciate the position the City is in and how it may be the case that City leadership may not want to withdraw from the program. To reiterate my concern and position, should local leadership decide to not voluntarily withdraw from the program, than the State will terminate the funds for convenience and to ensure that the funds can be utilized during this period of performance.

If you or your leadership have any questions, please feel free to reach out to me.

Sincerely,

Jason Pettus
Florida Division of Emergency Management
Bureau of Mitigation
Residential Construction Mitigation Program Manager
850-413-9946, Office
850-508-3955, Cell
Jason.Pettus@em.myflorida.com
2555 Shumard Oaks, 350D
Tallahassee, FL 32399